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## ABSTRACT

This report examines post-tenure review for college faculty and reviews initiatives to strengthen post-tenure review at Oregon University System (OUS) institutions. It defines post-tenure review and discusses the issues involved in implementing such policies. The report addresses the components of the post-tenure review process, including objectives, frequency/application, review process, professional development plans, and sanctions. It then explores policy development and the use of post-tenure review in other states. The report also summarizes post-tenure review policies at Eastern Oregon University, the Oregon Institute of Technology, Oregon State University, Portland State University, Southern Oregon University, the University of Oregon, and Western Oregon University. It recommends the revision of the Oregon Administrative Rule on post-tenure review and the adoption of a companion Internal Management Directive on post-tenure review. Seven appendixes provide information on OUS post-tenure review outcomes (including possible rewards and sanctions), post-tenure review outcomes for institutions and systems in other states, post-tenure review in Colorado and Texas, and sources. (Contains 19 references.) (MDM)

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Oregon  
University  
System

## Post-Tenure Review

*A report prepared for the  
Oregon State Board of Higher Education  
by the Academic Council of the  
Oregon University System*

Office of Academic Affairs  
P.O. Box 3175  
Eugene, OR 97403

December 18, 1998

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## POST-TENURE REVIEW

### Background

In 1973, the Oregon State Board of Higher Education approved an Administrative Rule requiring each institution to develop and implement post-tenure review policies. This action was the culmination of a six-month Board committee study that supported post-tenure review as one way to provide internal and external (i.e., public) accountability.

During the '90s, the increased pressure nationally for accountability in higher education has resulted in post-tenure review being the focus of discussion, policy development, and even legislation in some states. For example, in December 1997, then-Governor Romer (Colorado) issued an executive order requiring the governing board of each state-supported higher-education campus to adopt a policy for conducting post-tenure reviews at least every five years. Texas adopted legislation mandating such reviews every six years.

### Recent Oregon Activity

While the Oregon University System has a well-established history of conducting post-tenure reviews, campuses have elected to respond to this current climate of heightened public interest by reviewing their existing policies and, in some cases, revising and strengthening them. (Each OUS campus conducts annual or biennial reviews as well as the more comprehensive evaluations of their tenured faculty. It is these more comprehensive evaluations that are commonly known as post-tenure reviews.)

The current status of campus policies follows:

Eastern Oregon University. EOU's recently revised policy institutes a "trigger" system that builds on the biennial professional development plan required of all tenured faculty. If this plan, which is both retrospective and predictive, signals concern in significant areas of performance, a one-year improvement plan is crafted. In the event that plan is unsuccessfully implemented, a formal post-tenure review process begins. This triggered approach allows resources to be focused where most needed.

Oregon Institute of Technology. All tenured faculty are evaluated every five years. The process includes a review of the five most-recent annual evaluations, as well as faculty and student input. Outstanding faculty may be recognized for their achievement; unsatisfactory performance may result in development of a plan for improvement with specific goals, objectives, and timeline. Faculty have three years within which to attain the goals specified.

Oregon State University. The OSU Faculty Senate has completed its thorough review and restructuring of the post-tenure review policy and process. The previous policy did not have the outcomes of review, either positive or negative, stated in writing. Also, the policy required different timetables based on faculty rank. The new post-tenure review guidelines,

approved by the Faculty Senate at the end of fall term 1998, require all tenured faculty to be reviewed at least once every five years. Each academic unit is required to have a reward policy for outstanding performance, and unsatisfactory performance results in a mandatory professional development plan with a three-year implementation timeline. Possible outcomes of continued poor performance include salary reduction and reassignment.

Portland State University. As one of three OUS campuses with a faculty union, the post-tenure review process is included in the collective bargaining agreement. According to the most-recent contract, tenured faculty are reviewed every five years. If necessary, a professional development plan is crafted, either solely by the faculty member or jointly with the three-member evaluation committee. The formative nature of the process is emphasized in the policy.

Southern Oregon University. Southern's policy is contained, in part, in the faculty collective bargaining agreement and also in the SOU Faculty Constitution. Together, they require tenured faculty to be reviewed by the department chair every three years, and by a three-member committee on alternate third years. Annual faculty productivity plans and reports are considered, as well as student evaluations; colleague input; and research, public service, and scholarship contributions. These evaluations produce feedback for the faculty member to refine their goals and objectives. The provost may reward/recognize outstanding faculty performance.

University of Oregon. Under the proposed policy, which is being considered by a University Senate committee, tenured faculty would be formally evaluated every three years — one review conducted by the department head, alternate third-year reviews conducted by a peer committee. Possible rewards for outstanding performance include base-salary increase, additional clerical/research support, and university recognition. Under both the current and proposed post-tenure review policies, unsatisfactory performance may result in reallocation of duties and professional development opportunities.

Western Oregon University. Embodied in the faculty contract, Western evaluates tenured faculty every three years. The division chair conducts the evaluation based on primary job assignment, research/scholarship, professional service, institutional service, and academic advising. If the faculty member's performance is found lacking, they receive suggestions for remediation and a timeline for implementation and re-evaluation.

### Conclusions

In December 1998, the Board reviewed a preliminary report and recommendations regarding OUS post-tenure review policies. As a result of that discussion, staff made additional modifications to the proposed new Internal Management Directive and Oregon Administrative Rule (OAR) amendment. Those changes (1) strengthen the language acknowledging the rigor of the process by which faculty members earn tenure and (2) clarify the Board's intentions of connecting performance to salary decisions.

A public hearing regarding the amendment of OAR 580-021-0140, Post-Tenure Review, was held on Tuesday, January 19, 1999. No one provided testimony at that hearing. The OUS Office of Academic Affairs received written comment from Sarah Andrew-Collier, president of the PSU chapter of the American Association of University Professors (AAUP). Specifically, AAUP requested the Board strike the language that links remuneration to performance (i.e., OAR 580-021-0140 (2)(c)). Also, AAUP expressed appreciation for the proposed IMD's reaffirmation of Board commitment to tenure and academic freedom, and quoted an excerpt from the national AAUP's 1998 written stand on post-tenure review, which states, among other things, that post-tenure review should not be aimed at accountability but at faculty development. Finally, AAUP comments expressed concern that certain portions of the proposed Board policy are inconsistent with the collective bargaining agreement at PSU. However, staff do not believe any parts of the rule conflict with the current agreement and will bargain implementation if the agreement or law require. The PSU chapter of AAUP also provided excerpts from their collective bargaining agreement that relate to review, salary, rewards, professional development, etc.

#### **Recommendations and Board Action**

In the national conversation about sustaining faculty productivity over the career lifetime, Oregon has had an advantage over many states because the Board of Higher Education established a post-tenure review policy more than 25 years ago. Oregon's public universities have extensive experience with the post-tenure review processes they installed in accordance with the Board's directive. The present environment for public higher education generally, and the specific responses that many other states/institutions are making to stakeholders' demands for performance accountability, have made it timely for Oregon University System campuses to review their processes and make improvements where they are warranted. A number of these changes, which are faculty led in the main, have been discussed in the report. By any comparative measure (e.g., teaching evaluations, sponsored-research funds per faculty member, etc.), OUS faculty are highly productive and nationally competitive. Faculty members, as well as campus administrators, expect all of their colleagues to contribute and pull their professional weight. As one OUS provost put it, "Our institutions can't afford 'backwaters' — we need everyone at work."

With the intention, then, of improving and strengthening post-tenure review in the Oregon University System, two recommendations were proposed: (1) revision of the Oregon Administrative Rule (OAR) 580-021-0140 on post-tenure review, and (2) adoption of a companion Internal Management Directive (IMD) on post-tenure review.

At its regular February 1999 meeting, the Oregon State Board of Higher Education voted unanimously to adopt the amended OAR and new IMD.

## **Introduction**

In the U.S., numerous factors have sparked activity regarding post-tenure review during the '90s. Responding to tax reform and pressure to shift spending priorities into areas such as corrections and public safety, many state legislatures have restricted public higher education funding. Constricted resources for higher education mean, among other things, less money for such things as merit pay and professional development activities for faculty. Arguably, faculty morale has declined. Public scrutiny and mistrust of government entities have included academe. State higher education systems and institutions are working to develop ways of providing greater accountability for higher education quality and productivity.

The purposes of this report are to share with Board members and other interested parties an extended conversation among Academic Council members regarding how well our post-tenure review processes are working and to discuss post-tenure review trends nationally. Specifically, the report will: (1) briefly discuss issues fueling the ongoing debate about post-tenure review; (2) describe, in general terms, the goals, components, and outcomes of post-tenure review processes; (3) highlight what other state legislatures, boards, and higher education systems are doing; (4) summarize current and proposed OUS post-tenure review policies and activities; and, (5) make recommendations regarding OUS post-tenure review policies and practices.

The Oregon State Board of Higher Education was among the earliest of system governing boards to approve a post-tenure review policy, which has been in place since 1973.

## **Post-Tenure Review: A Definition**

According to current literature, post-tenure review is not equated with annual evaluations, but rather consists of periodic comprehensive reviews of tenured faculty performance of a "career-trajectory"<sup>1</sup> or long-term nature. Although many post-tenure review policies do contain a section on annual reviews, the literature (and, consequently, this paper) distinguishes post-tenure review as being a longer-term and more comprehensive evaluation.

Post-tenure reviews may be summative, formative, or some combination of both. Summative reviews are evaluations for the purpose of informing personnel decisions, either positively (e.g., promotion, merit-based salary increases) or negatively (e.g., denial of promotion, salary stasis or reduction, or even removal of tenure and dismissal). Formative processes focus on the professional development, assistance, career guidance, and remediation of faculty rather than on reward or punitive outcomes.

The extent to which one or both of these purposes guide post-tenure review policies varies greatly among institutions and higher education systems. However, most policies we reviewed are designed as formative tools yet contain a summative piece to address persistent poor performance. (The summative statement may be either an explicit

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<sup>1</sup>Edwards, 1997

component of the post-tenure review policy or more implicit, with reference to another policy currently in place.)

### The Issues

One might infer that since the discussion of post-tenure review is flourishing, tenured faculty are not currently subject to review. That is not the case. Both in Oregon and across the country, tenured faculty are regularly evaluated (and, typically, annually) for many reasons, including salary adjustments, promotion decisions, granting of sabbatical leaves, allocation of professional development funds, teaching awards, grants, publication, and other acknowledgments.

If faculty are indeed subject to so much student, administrative, and peer review, why is the topic of post-tenure review even discussed? There are a number of reasons. With less money for merit-based salary increases, institutions may be reviewing faculty less frequently. Evaluations may be superficial or based on unclear criteria. Institutional review policies may lack uniformity as they are applied across departments. Staff retrenchment may put faculty evaluation at a low priority for scarce time and money allocations. Nevertheless, post-tenure review has surfaced as a priority for many reasons. For instance, now that mandatory retirement is a thing of the past, administrators do not have the option of waiting until highly paid yet poorly performing faculty retire. And an environment of critical public concern means that higher education officials must provide even greater demonstrations of quality and accountability.

Some vocal proponents of post-tenure review regard tenure as a contract for lifetime employment and thus a haven for chronically unproductive faculty members. However, operational tenure policies do provide for termination due to financial exigency or "dismissal for cause." "[F]ive generally accepted categories for cause . . . [are] 'incompetence (mental incompetence as well as incompetence in subject matter areas), immorality or moral turpitude, neglect of duty, violation of institutional rules, and insubordination.'"<sup>2</sup> The overarching issue, then, becomes the question: Are current tenure and review policies adequately ensuring productivity and quality in our higher education institutions?

If formal mechanisms are in place to remove faculty members who consistently underperform, why is there a perception of insufficient enforcement of punitive measures for underperforming tenured faculty members? One explanation is that, in our highly legalistic society, the preponderance of evidence and bureaucratic processes required to "dismiss for cause" makes this action very costly in terms of time, effort, and money. It isn't because poor performance is difficult to identify. Those who believe post-tenure review is not a useful tool to identify unproductive faculty claim that ". . . they are already identified in the minds of all relevant actors. What . . . was lacking is the institutional will to deal with this small number of problem colleagues."<sup>3</sup>

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<sup>2</sup>Olswang & Fantel, p. 12 (as cited in Licata, 1986)

<sup>3</sup>Wesson & Johnson, 1991, p. 56

Contrary to the opinion of some post-tenure review proponents, in reality there are very few marginal faculty members. "An underlying assumption behind advocacy of post-tenure evaluation for the purpose of dismissing the incompetent is that faculty performance diminishes after tenure. Yet the research related to the effects of tenure and age on teaching effectiveness and productivity does not seem to back up this claim."<sup>4</sup> In fact, the preponderance of the literature shows the cumulative effect of research productivity over the faculty member's career lifetime. One may also question the prudence of instituting a system that is targeted to such a small percentage of the tenured faculty. Nevertheless, proponents of post-tenure review press that even a small number of unproductive faculty incur costs, not only in terms of actual salary and benefits expenses, but in terms of undermining faculty morale and harming institutional quality and reputation.

While there is general agreement that the status quo is problematic, concern about post-tenure review remains. Is it a costly and bureaucratic system of superficial reviews without positive impact? What if it targets those faculty members whose research is not mainstream or clearly tied to market forces? Some research requires long gestation or may not be easily evaluated. The reviewer may have negative feelings about the reviewee and, consequently, be unable to provide an objective opinion. Post-tenure review may threaten academic freedom, quash collegiality, and stifle creativity. Isn't periodic review antithetical to TQM and other current organizational strategies that stimulate responsiveness?<sup>5</sup> And why devise a system that may be perceived as rewarding marginal faculty members by allocating precious resources for their professional development?

Champions of post-tenure review believe that carefully constructed and seriously implemented policies, which have strong peer involvement in the review process, can address these concerns, benefitting both the institution and faculty members. The formative nature of post-tenure review should not be discounted. The majority of the policies we reviewed mandate a professional development plan for those faculty who need assistance for any number of reasons. In most policies, the professional development plan is formulated in close consultation with the faculty member, and includes a series of regular assessments during plan implementation. The comprehensive nature of post-tenure review usually includes feedback to the faculty member that may help guide future professional activities more clearly. And it should be noted that a faculty member does not have to be faltering to benefit from this type of review. Rather, post-tenure review may be a welcome intermediate step to help shape and support a faculty member's long-term goals or provide nonpunitive assistance to a faculty member who is experiencing some professional challenges.

One example of successful post-tenure review (the University of Hawaii - Manoa) has been well-documented by Goodman.<sup>6</sup> After their first year of post-tenure review implementation (1987-88), a thorough analysis of the results was conducted. Although 245 (24%) of their

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<sup>4</sup>Licata, 1986, p. 16

<sup>5</sup>Bess, 1998

<sup>6</sup>Goodman, 1990

tenured faculty were subject to review, 37 of them (15%) retired or announced their intention to retire before review completion. Of the remaining 206 faculty who were evaluated, 144 (70%) were found to have no deficiencies; 46 (22%) were found deficient and, therefore, developed professional development plans; and 16 were found deficient and contested those findings. After implementing the appeals process, of those 16 faculty: 7 developed a professional development plan, 5 retired, 3 were found "not deficient," and 1 was reassigned.

Those faculty members who were found to be deficient roughly fit into one of four categories: (1) mid-career slump (e.g., a professor's strengths were not as current or relevant to the department's research interests as they had been when first awarded tenure); (2) aging faculty member (problem of being measured against different standards than those in place early in career); (3) alienated full professor (e.g., those who have engaged in losing political battles; research outside of mainstream); or, (4) nonfunctioning professor.

Goodman reports the success of the collegial model in helping the University faculty revitalize their careers. In her conclusion, she states:

... pursuing no review at all would only have allowed the poor performance of a few individuals and the unremediated deficiencies of a few more to dilute the efforts of a far larger body of outstanding and dedicated professionals. What seems to have been critical in the adoption of our particular program was the agreement between the administration and the UHPA [University of Hawaii Professional Assembly] on the principles of fairness and respect for the dignity of the faculty in general and of the particular member under review. The key to the success of the program thus far has been the shared recognition of the value of professionalism, the need for accountability, and the possibility of improvement through consultation, support, and the clear articulation of academic standards. (p. 423)

In sum, it appears that mounting pressure for accountability, movement toward performance-based funding, and even (in some states) prescriptive legislative action are stimulating more higher education systems and institutions to develop, strengthen, and implement post-tenure review policies. To balance the concerns of all parties, policy development has broad involvement of faculty, administrators, and board members. The following section describes some general features of post-tenure review policies.

### **Post-Tenure Review Components**

Although the literature provides a fairly uniform definition of post-tenure review, it may be surprising to discover the wide variations among policies. For instance, some institutions fold their annual review policies into their post-tenure review policies. Others have discrete sections for different types of review. Policies may be quite explicit, with each step described in detail and connected to an exact timeline. Some institutions discuss specific sanctions, while others simply refer to other discipline and dismissal-for-cause policies if unsatisfactory performance persists. Still others — the most "purely formative" post-tenure

review policies — do not mention any sanctions at all. "However, institutions where strictly formative reviews prevail usually also have an annual review process . . . that focuses on performance and mandates a plan to remediate deficiencies."<sup>7</sup>

While the level of detail and approach (i.e., summative, formative) varies, the policies we reviewed for this paper generally have the following components: goals or objectives; frequency of evaluations; application (i.e., evaluation of all tenured faculty or only those identified as needing remediation); and review process description, including reviewers, criteria, evidence, process steps (including appeals procedures), a professional development component, and sanctions. The following sections describe each of these components in more detail.

### Objectives

Accountability, performance enhancement, and productivity are the most oft-cited objectives of post-tenure review. Sometimes embedded in the introductory and statement-of-objectives sections are values the system or institution wants to protect. Preserving academic freedom, ensuring due process, and requiring peer involvement in the post-tenure review process were recurring themes.

### Frequency/Application

Some policies require post-tenure reviews only for those faculty needing remediation. In these cases, there is generally a "trigger," such as unsatisfactory annual reviews for two or three consecutive years. Some policies also allow faculty members to volunteer for a review in order to gain assistance in refining or refocusing their goals and professional activities. For those institutions that require post-tenure reviews of all tenured faculty, most do so at five-year intervals starting from the time of the last review (e.g., five years after promotion). Many of the policies allow other reviews, such as those for promotion or merit, to substitute for or be performed in conjunction with the comprehensive post-tenure review. Another common feature is a mechanism allowing an administrator (department chair or dean) to postpone a review in the event of extenuating circumstances such as a faculty member's ill health.

### Review Process

**Reviewers.** The faculty member may be evaluated by an administrator (department chair, dean), peer review committee (elected or appointed faculty members), or a combination of both. Sometimes the faculty member is allowed to nominate, select, or veto a member of the review committee.

**Criteria/Standards.** Policies generally state that the faculty member must meet a minimum standard of performance in teaching, research, and public service, and in alignment with institutional mission, department expectations, and the academic field and discipline standards. Specific criteria and procedures are often developed by department or unit

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<sup>7</sup>Licata & Morreale, 1997, p. 7

tenured faculty, subject to chair and higher-level administrative approval (e.g., dean, provost, chancellor). Some policies call for regular, periodic evaluation of these review criteria and procedures to assure currency.

**Evidence.** Generally, the post-tenure review is retrospective. Reviewers consider recent evaluations and the faculty member's portfolio, which includes evidence such as updated vita, student evaluations, and outcomes of any professional development activities or sabbatical leaves. Although the faculty member generates most of the evidence, multiple sources of information are used, including professional achievements such as national awards, offices held in national or international academic organizations, and serving as editor for scholarly journals. Sometimes the review process begins with a self-evaluation. Occasionally an institution (e.g., University of Wisconsin - Green Bay) makes the review prospective as well as retrospective, with the faculty member defining goals, plans, and priorities for the upcoming years.

**Steps in the Process.** In very global terms, most post-tenure review processes consist of a person or team reviewing the evidence and, if the results are satisfactory, providing a written summary to the faculty member and appropriate administrators. In most cases, an unsatisfactory review results in a mandatory professional development plan. If the faculty member is still performing unsatisfactorily after implementation of the professional development plan, then (generally) sanctions are imposed, usually as applied through other existing rules and policies.

In reality, there seem to be as many patterns to the steps in the review process as there are systems and institutions. The following examples provide a flavor of the variations:

### **"Trigger" Review**

#### **Indiana University - Purdue University at Indianapolis**

1. Two consecutive annual evaluations that indicate "performance has fallen below the minimal acceptable level" trigger post-tenure review.
2. Dean notifies faculty member of review; may grant exemption if extenuating circumstance (e.g., poor health).
3. Elected faculty committee conducts review (minimum of three tenured faculty, excluding administrators at level of chair or above; faculty member may reject a committee member).
4. Findings/Results
  - a. no basis for review → terminate process
  - b. some strengths, no deficiencies → inform dean and faculty member; terminate process
  - c. some strengths, some deficiencies (but deficiencies not substantial or chronic) → inform dean and faculty member; faculty member has option to formulate professional development plan

- d. substantial chronic deficiencies → inform dean and faculty member; faculty member and the committee formulate a professional development plan; faculty member, chair, and dean sign off on the plan. Then:
  - faculty member and committee annually review progress on plan, send progress report to faculty member and dean;
  - within timeline, but no longer than three years, committee makes final report to faculty member and dean;
  - if progress not made, dean may employ sanctions, "including initiation of dismissal proceedings based on alleged professional incompetence or alleged misconduct" as defined in other IUPUI policies.

### **"Trigger" Review**

#### **University of New Mexico**

(Note: UNM Board of Regents' post-tenure review policy includes a lengthy section on the annual reviews. The following steps relate to what UNM refers to as "more complete" reviews.)

1. "Serious deficiency" in two consecutive annual reviews triggers review.
2. Chair informs faculty member, with two possible courses of action:
  - a. faculty member requests chair submit findings to "the other tenured faculty members for consideration in a more complete review during the following year,"  
or
  - b. "chair may initiate such a review with the concurrence of a majority of the tenured faculty in the department."
3. Review conducted by chair and committee (minimum 3 tenured faculty who are selected by the tenured faculty)
4. Results/Outcomes:
  - a. no serious deficit → inform faculty member; statement of decision in file
  - b. serious deficit → mandatory professional development plan (called "specific remedial program" in this policy)
5. Chair reports results of the professional development plan to dean
6. "If the dean concludes, after consulting the college promotion and tenure committee, that serious deficiencies persist," the provost is informed, who may recommend to university president to initiate removal for cause per other policies.

### **Periodic Review/Prompted Review**

#### **Sam Houston State University**

1. Every tenured faculty member undergoes "Periodic Comprehensive Performance Evaluation" every fifth year

2. In spring, chair notifies faculty member of upcoming comprehensive evaluation
3. Unit's tenured faculty review the previous annual faculty evaluations
4. Results/Outcomes (determined by secret-ballot vote of reviewing faculty):
  - a. majority determine the faculty member "exceeds the accepted minimum standards of the unit" → no further action
  - b. faculty member does not receive majority approval → faculty member subject to "Prompted Comprehensive Performance Evaluation" (as follows)
5. "Peer consultation team" (selected jointly by chair and faculty member) determines if faculty member meets the "relevant standards of the unit." (Policy emphasizes that the role of the team is advisory to both chair and faculty member.)
6. If team finds faculty member does not meet standards, assist faculty member in formulating professional development plan (called "Plan for Assisted Faculty Development"), agreed to by chair
7. Chair assesses faculty member progress
8. Results/Outcomes:
  - a. faculty member meets goals of professional development plan → chair notifies faculty member, peer team, dean; or
  - b. chair extends timeline (up to one year) for professional development plan implementation; or
  - c. faculty member does not satisfy professional development plan → chair informs dean, peer team, faculty member. If dean notified of failure, he/she:
  - d. reviews chair's report,
  - e. confers with faculty member, chair, and, if necessary, peer team, and
  - f. forwards recommendation to vice president for academic affairs. (Recommendation may be to restore faculty member to regular status, require another professional development plan, or institute disciplinary or dismissal proceedings.)

#### Professional Development Plans

The components of the professional development plans are fairly consistent across the country and, at the institutional level, include: procedures for development and approval of the plan, identification of problem areas or weaknesses, statement of goals, description of faculty member action designed to reach the goals, criteria for assessment, timeline for implementation, process for evaluation/reporting progress, and possible courses of action in the event the professional development plan is not successfully completed. Some policies also include specific references to resource allocations to support the plan.

Implementation timelines vary. The University of New Mexico expects the professional development plan to be implemented within a "reasonable" timeline. Texas A&M University - Kingsville imposes a three-year time limit in the area of teaching, whereas for all other

deficient areas (e.g., research), the faculty member is given five years to improve performance. The University of Houston expects corrected performance within two years.

In all of the policies we reviewed in which professional development plan procedures were delineated, the faculty member was involved in its development. Supporters of formative post-tenure review consider this point essential. Close work with and feedback to the faculty member gives him/her the opportunity to take specific corrective action. Some policies provide for the faculty member and the peer committee to develop the plan, subject to approval by the faculty member, chair, and dean (e.g., IUPUI). Others allow for professional development plan formulation by the chair and faculty member (e.g., University of North Carolina at Chapel Hill). Again, there are a number of minor variations, but the framework and goals appear to be consistent.

### Sanctions

In the area of sanctions, the policies we reviewed fall along a continuum from a purely formative policy with no sanctions (e.g., University of Wisconsin - Green Bay) to policies with potential for imposition of such severe sanctions as salary reduction, involuntary leave, or termination (e.g., University of Minnesota). Most sanctions are implicit rather than explicit, referring to other policies regarding discipline and dismissal if professional development plans have not been satisfactorily implemented.

A few policies are very specific about possible sanctions as they relate to tenure. The University of Houston System policy states in its preamble that ". . . failure to correct deficiencies . . ." could lead to "revocation of tenure." The Medical University of South Carolina states that the promotion and tenure committee shall recommend to the dean ". . . whether the faculty member's performance, in the committee's judgment, meets the Standards of the University for retention of tenure. A failure to meet these standards shall result in the recommendation for remediation of the faculty member or for removal of tenure." (Refer to Appendices A and B for more detailed information on post-tenure review outcomes.)

### Policy Development

The process for developing post-tenure review policy utilizes system and institution administrators and relies heavily on faculty involvement, particularly for institution-specific policies. Faculty senates, committees, unions, and local chapters of the AAUP actively participate in policy development. Recent literature on post-tenure review policy provides many recommendations for those developing or modifying policies.

Edwards<sup>8</sup> describes five key elements of post-tenure review policy design:

1. Post-tenure review should "sustain, indeed even stimulate, the faculty's habit of critical inquiry and the campus culture that fosters it."

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<sup>8</sup>Edwards, 1997, pp. 29-31

2. The review "should be constructed as a faculty-owned, faculty-drive, and mainly faculty-operated system."
3. "Post-tenure review needs to be focused more narrowly upon some faculty members than is now the case in most institutions . . ."
4. The focus of post-tenure review ought to be (a) to help those voluntarily seeking aid, and (b) to identify, for other faculty members, poor or unacceptable performance and to assist the (relatively few) faculty members with chronically poor performance . . ."
5. "The success of (nonvoluntary) post-tenure review should be measured by how many poor performers have been helped to return to full productivity (or induced to seek other work or retire) rather than how many reviews are conducted."

In his chapter on post-tenure review in *The Case for Tenure* (Finkin, 1996), Kearsal notes that ". . . some people have proposed a system of periodic evaluation . . . as a kind of academic search-and-destroy mission."<sup>9</sup> He suggests that effective post-tenure review policies need (1) faculty development to be the objective, (2) resources committed to support the endeavor, (3) thorough feedback to the faculty member, and (4) "clear definition of excellence in faculty performance."<sup>10</sup>

Wesson and Johnson agree with Kearsal, adding a fifth recommendation: External reviews should always be permitted, and they should be required when there is a difference of opinion.<sup>11</sup>

Licata and Morreale<sup>12</sup> recommend adhering to the following principles when developing post-tenure review policies and procedures:

- a. To affirm and preserve academic freedom in policy language.
- b. To acknowledge and support commonly cherished academic employment conditions when formulating and implementing policy.
- c. To articulate a clear statement of purpose for the review and consequences from review.
- d. To create solid evidence.
- e. To give latitude to the local unit in determining specific review components, including criteria, standards, and sources of data.
- f. To duly consider the advantages and disadvantages of mandating significant peer involvement in review.

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<sup>9</sup>Kearsal, 1996, p. 186

<sup>10</sup>Ibid.

<sup>11</sup>Wesson & Johnson, 1991

<sup>12</sup>Licata & Morreale, 1997, pp. 16-18

- g. To include documented feedback to faculty members and an opportunity for a rebuttal at the end of the review.
- h. To be responsive to the need for flexibility and individualization. To establish and/or continue support for faculty-development programs and resources.

### **Post-Tenure Review Activity in Other States**

Post-tenure review saw greater state-level interest in the last three years. The legislature in Utah "initiated serious discussion . . . regarding tenure, specifically related to post-tenure review and alternate hiring practices other than tenure."<sup>13</sup> After facing resistance to proposed legislation, Kentucky lawmakers softened the language, urging study and action rather than mandating post-tenure review.<sup>14</sup> The Colorado Commission on Higher Education developed a working paper on tenure and post-tenure review for the legislature.<sup>15</sup>

Colorado and Texas both took steps to implement post-tenure review. In Colorado, a bill requiring post-tenure review in all public colleges and dismissal of faculty "repeatedly deemed unsatisfactory" was vetoed by Governor Roy Romer (D) on the grounds that it "would have allowed some institutions to drop a due-process policy for professors."<sup>16</sup> However, in December 1997, Governor Romer issued an executive order requiring the governing board of each "state-supported" higher education institution to adopt a post-tenure review policy with reviews to be conducted every five years (see Appendix C). The executive order reads very much like a system-level policy, such as stating that the faculty member who does not satisfy the professional development plan "shall be subject to sanctions in keeping with institutional sanction provisions, which shall include, but not be limited to, the revocation of tenure."

Texas' SB 149, "Performance Evaluation of Tenured Faculty" (effective January 1, 1998) directs the governing boards of higher education institutions to adopt rules and procedures for conducting periodic performance evaluations of all tenured faculty at least every six years. While the bill declares that the process should "be directed toward the professional development of the faculty member," it also states that an outcome may be revocation of tenure.<sup>17</sup> (See Appendix D.)

State systems of higher education were even more active than the legislatures in addressing post-tenure review. According to the 1996 and 1997 Almanac issues of *The Chronicle of Higher Education*, the following state boards either approved or were

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<sup>13</sup>(T. Alger, personal communication, 1/97)

<sup>14</sup>*The Chronicle of Higher Education*, 8/28/98, p. 71

<sup>15</sup>(S. A. Siverts, personal communication, 1/97)

<sup>16</sup>*The Chronicle of Higher Education*, 8/29/97, p. 15

<sup>17</sup>SB 149 from "Texas Legislature Online: 75<sup>th</sup> Regular Session - 1997, Senate Bills Signed by Governor"

deliberating on new or strengthened post-tenure review policies for their systems: Arizona, Colorado, Florida, Georgia, Kansas, Minnesota, New Mexico, and North Dakota. And the University of Massachusetts faculty union's three-year contract allows for "bigger salary increases if faculty members agree to a system of post-tenure review."<sup>18</sup>

### **Post-Tenure Review in Oregon**

Oregon is a leader, not a newcomer, in the post-tenure review discussion. In July 1973, the Oregon State Board of Higher Education received a report on, and adopted Administrative Rules regarding, indefinite tenure. One of those rules related specifically to post-tenure review. These new tenure rules represented the culmination of an intensive six-month study conducted by the Board's Committee on Academic Affairs. Several public hearings were held and testimony was received from various sources — students, the Interinstitutional Faculty Senate, the Association of University Professors, the Oregon State Employees Association, faculty members who spoke either independently of any organization "or from the vantage point of an institutional faculty representative," State System institution presidents, and members of the Board (p. 1).

Written commentary included with the proposed rule on post-tenure review acknowledged some concerns expressed to the Committee (e.g., that requiring post-tenure reviews at specific intervals "would place an unnecessary work load on administrators and faculty already heavily laden; [and] that any benefits from such formal evaluations would be incommensurate with the investment in staff time and effort required") (p. 39). However, the Committee justified its recommendation on two counts — that such reviews would enhance the public's image of higher education (accountability) and that institutions would directly benefit from such systematic assessment and evidence gathered regarding their faculty.

The Administrative Rule was subsequently adopted and has changed little since then. The text of the current rule follows:

#### **Post-Tenure Review**

**580-021-0140** (1) Tenured faculty members shall be evaluated periodically and systematically in accordance with plans developed in the institutions.

(2) Institutional plans for post-tenure reviews shall include, but not necessarily be limited to:

- (a) A statement of the objectives of faculty post-tenure review and evaluation;
- (b) A statement of criteria to be used in evaluations, the nature and kinds of data that will be accumulated, and the method of data collecting;
- (c) A designation of persons making evaluations;
- (d) A designation of the frequency and regularity of evaluations;
- (e) A description of the institutional plan for relating post-tenure reviews to the faculty reward system, such that appropriate recognition for excellence can be provided;
- (f) A description of the institutional plan to deal firmly but humanely with situations in which the competence or the vitality and drive of a particular faculty

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<sup>18</sup>*The Chronicle of Higher Education*, 8/28/98, p. 76

member have diminished to such an extent that the resources of the faculty career support program are unable to provide the stimulation or help necessary to return the faculty member to a fully effective state.

Two other Board rules include references to post-tenure review:

- a. "Specific provision shall be made for appropriate student input into the data accumulated as the basis for . . . post-tenure review." [OAR 580-021-0135(3), Criteria for Faculty Evaluation]
- b. Faculty members shall be provided written information that includes "[C]riteria to be used in evaluating the faculty member in connection with . . . post-tenure review . . . ." [OAR 580-021-0005(3)(A), Appointment Procedures]

Like most other state systems and boards, Oregon recognized the need for each institution to craft its specific post-tenure review policies in ways that best support its unique character and mission. The tenor of the Board policy is in keeping with currently recognized goals of good post-tenure review policy — that is, it balances the formative focus emphasis with the potential for disciplinary sanctions to be imposed, if necessary.

Each OUS institution has formal, written post-tenure review policies in place. The three campuses with unionized faculty (PSU, SOU, WOU) have embedded their post-tenure review policy in the collective bargaining contract. Four of the campuses have recently finished or are in the midst of reviewing and revising their policies — EOU, OSU, UO, and WOU. (It should be reiterated that all the OUS institutions provide for some form of annual review of their faculty. However, those policies are not discussed in this report because they fall outside the generally accepted definition of post-tenure review.)

The institution post-tenure review policies are briefly summarized in the following section, which is organized by campus. The descriptions are of written policy only and do not characterize any other campus review activities or practices not formalized in the policy document.

### **Eastern Oregon University**

As of fall 1998, Eastern moved to a "trigger" system whereby all tenured faculty put together a professional development plan biennially that is reviewed by the dean or division chair. The plan is both retrospective (two years) and predictive (two years). If the dean or division chair notes "significant areas of concern in performance," these are described in writing to the faculty member and maintained in the personnel file. A one-year improvement plan is developed which, if unsuccessfully implemented, triggers the formal post-tenure portfolio review process.

That process begins with the faculty member preparing an extensive portfolio and set of narrative statements following a detailed format. The dean and an elected school-level peer committee make a written comprehensive evaluation of the faculty member's portfolio. After the dean meets with the faculty member to review (and possibly modify) the evaluation, an elected college-level faculty body (Assembly Personnel Committee [APC])

reviews the evaluation, portfolio, and any recommendations. The APC makes recommendations (e.g., salary, promotion, professional development) to the provost, whose decisions are reviewed by the president.

#### *Distinguishing Features*

- The four criteria against which faculty are judged — instruction, commitment to subject discipline, contribution to institution, public outreach — are quite detailed. For example, expectations regarding a faculty member's responsibility to do student advising is clearly spelled out under the "instruction" description.
- Given its outreach mission, Eastern is explicit in its expectation that all faculty members will contribute to serving the "educational and cultural needs of the ten eastern-most counties in Oregon."
- The formal process is "triggered" rather than applicable to all tenured faculty, thereby allowing resources to be focused where they are most needed.

#### **Oregon Institute of Technology**

Post-tenure review at OIT is conducted every five years for all tenured faculty, or earlier when initiated by a faculty member, department chair, or dean. An elected faculty committee evaluates the faculty member's portfolio, which includes the five most-recent annual evaluations, and input from faculty and students. The committee designates the faculty member's performance as either "satisfactory" or "unsatisfactory." It sends a report, with recommendations, to the department chair and dean, who then meet with the faculty member. Finally, the dean submits the report and evaluation to the provost.

Those faculty who perform exceptionally well "may be recognized for outstanding achievement." However, if a faculty member's performance is unsatisfactory, the committee, dean, chair, and faculty member meet and develop a plan for improvement, which includes specific goals, objectives, and timeline. Progress on plan implementation occurs annually, assessed by the dean and department chair. After three years, a second post-tenure review is conducted. If the second review reveals unsatisfactory performance, "alternate career plan counseling or early retirement opportunities . . . may be provided."

#### *Distinguishing Features*

- The peer committee is required to declare one of their meetings "open" so that faculty and students may "present any comments or pertinent information regarding the faculty member being reviewed."

#### **Oregon State University**

##### Former Policy

Tenured faculty are evaluated annually or every three years, depending on rank. A review may also be conducted upon the faculty member's request. The department head or chair reviews a statement of the faculty member's current responsibilities and material "appropriate to the faculty member's profession." Sources of information include students, faculty, professional colleagues, and, if appropriate, the public. Areas of evaluation include

teaching, research and scholarship, and service. The review and related material are maintained in the faculty member's personnel file, and those faculty members reviewed are reported annually to the associate vice president for academic affairs.

#### *Distinguishing Features*

- Frequency of review: Assistant and associate professors are reviewed annually during their second through fifth years in rank at OSU. All others are reviewed once every three years.
- Outcomes, either positive or negative, are not discussed in the written policy.
- Names, but not the reviews per se, are submitted to a higher-level administrative unit.
- While it is reported that some units involve the faculty member's peers, it is not a requirement of the written policy.

#### New Policy

In 1997-98, the OSU Faculty Senate evaluated current post-tenure review policy, compared it with policies from peer institutions, and developed recommendations for policy modifications. New post-tenure review guidelines, as well as model guidelines for academic units, have been crafted and were approved by the Faculty Senate at the end of fall term 1998.

The new policy requires annual reviews conducted by the immediate supervisor, and a peer review to be conducted every five years, or more frequently by request. A professional development plan is mandatory in instances of unsatisfactory performance, with a maximum implementation period of three years. Progress on the plan will be evaluated annually. Repeated unsatisfactory reviews may result in sanctions (e.g., salary reduction, reassignment, rank reduction).

#### *Distinguishing Features*

- A professional development plan is mandatory for faculty members receiving unsatisfactory reviews.
- Each academic unit must have a reward policy for outstanding performance.
- The professional development plan must identify resources to support plan goals.

#### **Portland State University**

Tenured faculty are reviewed every five years. A review can occur more frequently at the faculty member's request, or at the end of a planned activity period as determined by the faculty member and assigned committee. Initially, a three-member committee meets with the faculty member. This meeting is confidential, and no records of the meeting are kept. A professional development plan may be crafted, either solely by the faculty member or jointly with the committee. The plan (which includes a determination of institutional support required for implementation) is forwarded to the department chair, then to the school or college office, and finally to the Academic Affairs office. That office will decide whether institutional support, including funds, for the plan will be provided. If it is not, an alternative plan may be formulated. At the conclusion of the plan, the results are presented to the committee and department chair. Satisfactory outcomes may inform pay and promotion

considerations. Unsatisfactory plan implementation results in committee development of written recommended remedies.

#### *Distinguishing Features*

- Institutional support of professional development plans is key. The contract states: "If the support required to carry out the plan is not provided, the individual will not be held responsible for failure to complete the plan."
- The formative nature of this policy is emphasized.
- Committee members are selected according to procedures established by faculty in each department/unit.

#### **Southern Oregon University**

Tenured faculty are reviewed every three years — by the department chair and, on alternate third years, by a three-member committee.

#### Department Chair Evaluation

The chair writes a brief summary of the faculty member's performance, which includes statements about teaching, research, and service. The report is based on review of the annual Faculty Productivity Plans and Reports, student evaluations, and discussions with colleagues. Problems are "noted and a plan of action reviewed with the faculty [member]." The report is forwarded through the dean to the provost.

#### Colleague Evaluation

The committee evaluates the faculty member's teaching; research and scholarship; service to the department/institution; public service; and other professional activities. Evidence considered includes supporting documents (including student evaluations) and classroom visitations. The committee produces a report, then meets with the faculty member to jointly develop goals and objectives. These are forwarded through the department chair to the provost. The provost may consider reward/recognition to the faculty member.

If a review is unsatisfactory, a second evaluation may be conducted prior to three years. If the faculty member again "has failed to meet adequately the objectives set in the first evaluation," the report may be forwarded to the provost for action.

#### *Distinguishing Features*

- The committee is composed of the department chair, a faculty representative selected by the department chair, and a faculty representative selected by the faculty member being evaluated. The faculty member being reviewed may veto up to two selections made by the chair.
- "The professional growth identified for the faculty member . . . should, as much as possible, meet the staffing needs of the department."
- The colleague evaluation process is explained in the SOU Faculty Constitution, while the department chair review process is embedded in the collective bargaining agreement.

## University of Oregon

### Current Policy

Tenured faculty members are reviewed at least every five years. "At the option of the faculty member, the department head, or the dean, an earlier review may be requested." An elected committee of three or more tenured faculty members conduct the review, considering the faculty member's teaching, scholarly activities, academic and administrative service, community service, and "special criteria established by individual departments and schools." Copies of the committee's report will be provided to the faculty member and "appropriate administrative officials."

Faculty rewards for excellence may include salary merit increase, temporary resources to develop new courses or allow additional research, increased research or clerical support, or "university recognition." If the faculty member's performance needs assistance, the following opportunities are offered:

- "consultation with colleagues for purposes of assistance in problem areas"
- reallocation of department assignments
- "access to a center for improvement of instruction or scholarly effort"
- personal counseling

If unsatisfactory performance persists, altered career plan counseling or early retirement are other potential options.

### Distinguishing Features

- Multiple options for either excellent and unsatisfactory performance are available.

### Proposed Policy Under Consideration

Tenured faculty would be formally evaluated every three years using the same criteria as the current review process. However, the proposed policy also states: "For the purpose of post-tenure review, the fundamental criterion is demonstrated excellence in meeting the expectations and goals established by the department for the individual faculty member . . . . A key aspect of this program is therefore establishment of the professional expectations for individual faculty members."

The process has two parts: third-year reviews and sixth-year reviews.

#### Third-Year Review

All tenured faculty participate in the third-year reviews, the results of which are used for promotion and salary considerations as well as providing feedback to the faculty member and department. The department head conducts the evaluation and writes a report, which is given to the faculty member and placed in the department personnel file. At the request of either the faculty member or department head, the personnel/promotion committee may also review the "record of achievement." If the review reveals unsatisfactory performance, the department head and faculty member "discuss corrective action and establish expectations for future activities."

### *Sixth-Year Review*

This peer review, which applies to full professors on alternate third years, is conducted by an elected standing committee of two or more tenured faculty members, one of whom may be from outside the unit. The committee submits an evaluation to the department head, who prepares a report. The report is provided to the faculty member, then forwarded to the dean. A copy is also retained in the faculty member's personnel file.

There are four categories of performance: exceptional, above average, satisfactory, and needs improvement. The dean makes "recommendations to the provost for recognizing and rewarding outstanding performance." Faculty members who receive exceptional or above-average reviews "will be rewarded with a financial incentive commensurate with the evaluation of their performance." Other possible rewards include base-salary increase, additional clerical/research support, opportunities to develop new courses, and recognition by the University. The outcomes of an unsatisfactory review are the same as under the current policy.

### *Distinguishing Features*

- The proposed policy is explicit about rewards for outstanding performance.
- The policy is a two-tiered approach, with the sixth-year review applying only to full professors.

## **Western Oregon University**

Tenured faculty are evaluated every three years. The division chair conducts the evaluation based on primary job assignment (teaching or nonteaching), research and scholarship, professional service, institutional service, and academic advising. Peer evaluation reports and student ratings are included in the evidence considered. The chair and the faculty member meet to discuss the results of the evaluation, a summary of which is placed in the personnel files in the dean's office and provost's office. If the faculty member's performance needs improvement, "the employer shall provide the employee with sufficient detail including suggestions for remediation and a timeline or date at which the employee shall be reevaluated regarding the area(s) of concern."

### *Distinguishing Features*

- Classroom observation of full professors occurs every six years, unless the chair believes an additional observation is needed.
- The division chair, in consultation with the dean and division personnel committee, develops the scope of the review and procedures.

## Recommendations and Board Action

In the national conversation about sustaining faculty productivity over the career lifetime, Oregon has had an advantage over many states because the Board of Higher Education established a post-tenure review policy more than 25 years ago. Oregon's public universities have extensive experience with the post-tenure review processes they installed in accordance with the Board's directive. The present environment for public higher education generally, and the specific responses that many other states/institutions are making to stakeholders' demands for performance accountability, have made it timely for Oregon University System campuses to review their processes and make improvements where they are warranted. A number of these changes, which are faculty led in the main, have been discussed in the report. By any comparative measure (e.g., teaching evaluations, sponsored-research funds per faculty member, etc.), OUS faculty are highly productive and nationally competitive. Faculty members, as well as campus administrators, expect all of their colleagues to contribute and pull their professional weight. As one OUS provost put it, "Our institutions can't afford 'backwaters' — we need everyone at work."

With the intention, then, of improving and strengthening post-tenure review in the Oregon University System, two recommendations were proposed: (1) revision of the Oregon Administrative Rule (OAR) 580-021-0140 on post-tenure review, and (2) adoption of a companion Internal Management Directive (IMD) on post-tenure review. (The text of those policies follows.)

### Proposed Revision to Post-Tenure Review OAR

(note: underline + boldface indicate additions; strikeout + shadow indicate deletions)

#### Post-Tenure Review

**580-021-0140** (1) Tenured faculty members shall be evaluated periodically and systematically in accordance with **plans guidelines** developed ~~in the~~ **by each** institutions

~~(2) Institutional plans for post-tenure reviews shall include, but not necessarily be limited to:~~

- ~~—(a) A statement of the objectives of faculty post-tenure review and evaluation;~~
- ~~—(b) A statement of criteria to be used in evaluations, the nature and kinds of data that will be accumulated, and the method of data collecting;~~
- ~~—(c) A designation of persons making evaluations;~~
- ~~—(d) A designation of the frequency and regularity of evaluations;~~
- ~~—(e) A description of the institutional plan for relating post-tenure reviews to the faculty reward system, such that appropriate recognition for excellence can be provided;~~
- ~~—(f) A description of the institutional plan to deal firmly but humanely with situations in which the competence or the vitality and drive of a particular faculty member have diminished to such an extent that the resources of the faculty career support program are unable to provide the stimulation or help necessary to return the faculty member to a fully effective state;~~

- (2) The purposes of post-tenure review are to:  
(a) assure continued excellence in the academy,  
(b) offer appropriate feedback and professional development opportunities to tenured faculty,  
(c) clearly link the level of remuneration to faculty performance, and  
(d) provide accountability to the institution, public, and Board.  
(3) Institutions shall develop post-tenure review guidelines in accordance with the objectives and guidelines promulgated in IMD 4.002, OAR 580-021-0135(3), and OAR 580-021-0005(3)(A).

Proposed New Internal Management Directive on Post-Tenure Review

**IMD 4.002 Post-Tenure Review**

Recognizing that the quality of higher education is inextricably tied to the quality of faculty, the Board reaffirms its commitment to tenure, academic freedom, and maintaining an environment that supports sustained performance in teaching, research, and service. Further, the Board recognizes the rigorous, multi-year review process to which probationary faculty submit prior to the awarding of tenure, as well as the numerous ways in which tenured faculty performance is reviewed thereafter (e.g., student ratings of instruction, peer review of scholarly work, competitive sponsored research grants, juried exhibits and artistic performance). Nevertheless, for the purposes of more comprehensive review after tenure has been conferred and in accordance with the purposes stated in OAR 580-021-0140, each institution shall develop post-tenure review guidelines, which shall be filed with the Chancellor's Office. Institutional guidelines shall include, but not be limited to:

- (1) a statement of post-tenure review objectives;
- (2) a statement of criteria to be used in evaluations, the nature and kinds of data that will be accumulated, and the methods of data collection;
- (3) a designation of persons making evaluations;
- (4) a designation of the frequency and regularity of evaluations;
- (5) a description of the institutional plan for relating post-tenure reviews to the faculty reward system, so that annual salary-adjustment decisions (i.e., increase, no increase, decrease) will reflect the results of performance evaluations;
- (6) a description of appropriate formative opportunities (e.g., professional development plan, faculty career support program [IMD 4.001]);
- (7) a description of the institutional plan to deal firmly but humanely with situations in which a faculty member's competence or vitality have diminished to such an extent that formative opportunities are unable to sufficiently stimulate or assist the faculty member's return to a fully effective state. Personnel actions for cause shall be implemented in accordance with OARs 580-021-0320 through 580-021-0470.

At its regular February 1999 meeting, the Oregon State Board of Higher Education voted unanimously to adopt the amended OAR and new IMD.

## **Appendix A**

### **OUS Institutions' Post-Tenure Review Outcomes: Rewards & Sanctions (Charts)**

Eastern Oregon University  
Oregon Institute of Technology  
Oregon State University (current & proposed)  
Portland State University  
Southern Oregon State University  
University of Oregon (current & proposed)  
Western Oregon University

## Eastern Oregon University (current)

**Post-Tenure Review**  
triggered by unsuccessful  
professional development plan

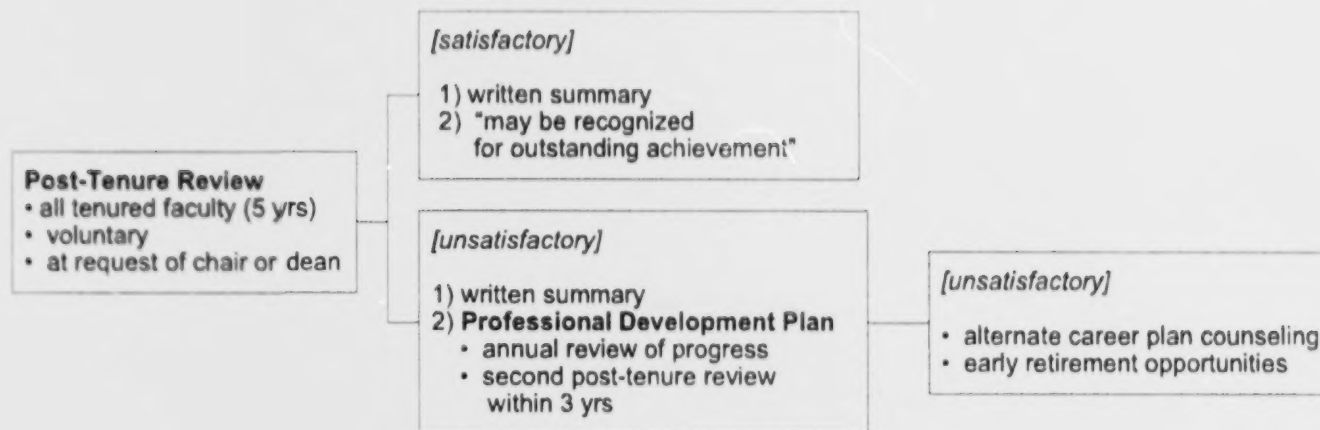
*[satisfactory]*

- written evaluation
- recommendations re: salary, promotion, professional development

*[unsatisfactory]*

- written evaluation
- recommendations re: salary, promotion, professional development

## Oregon Institute of Technology (current)



## Oregon State University (current)

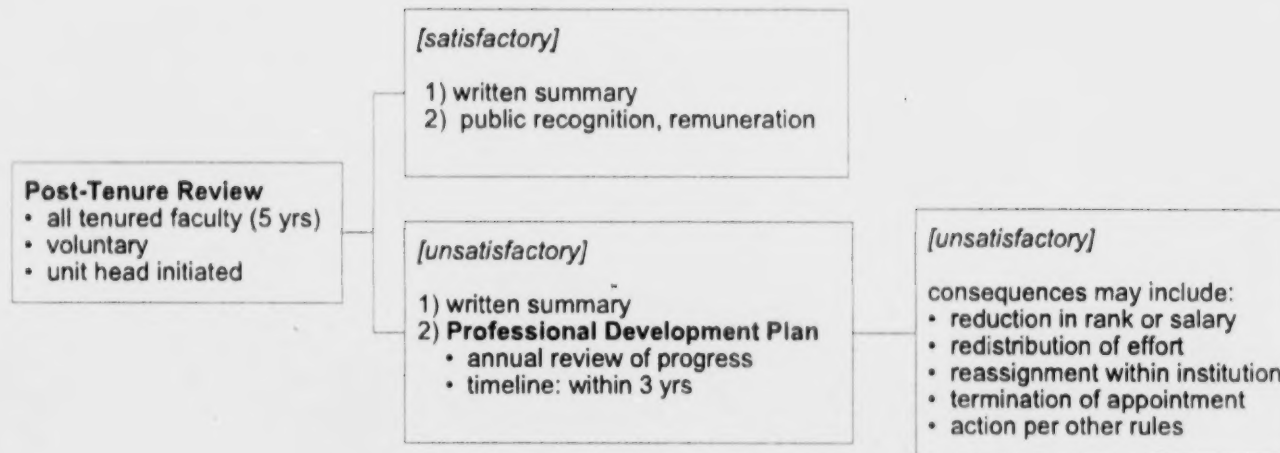
### Post-Tenure Review

- asst & assoc prof - annually  
2nd-5th yrs in rank
- all tenured faculty (3 yrs)
- voluntary

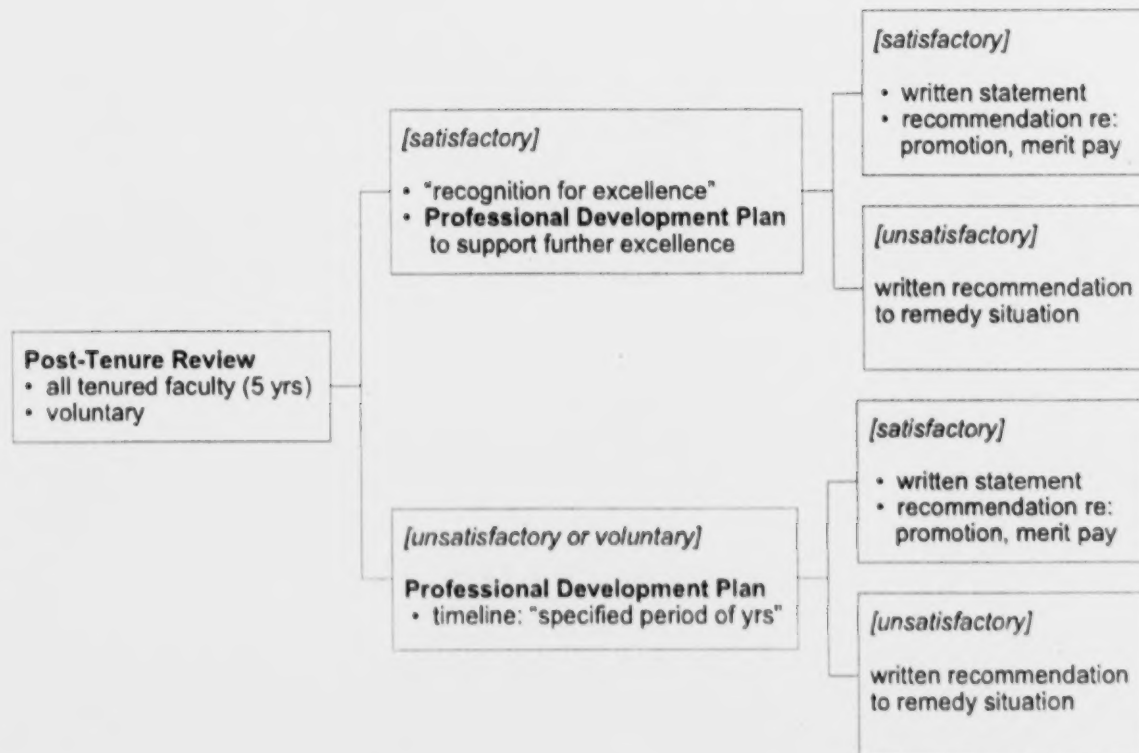
[satisfactory or unsatisfactory]

written summary

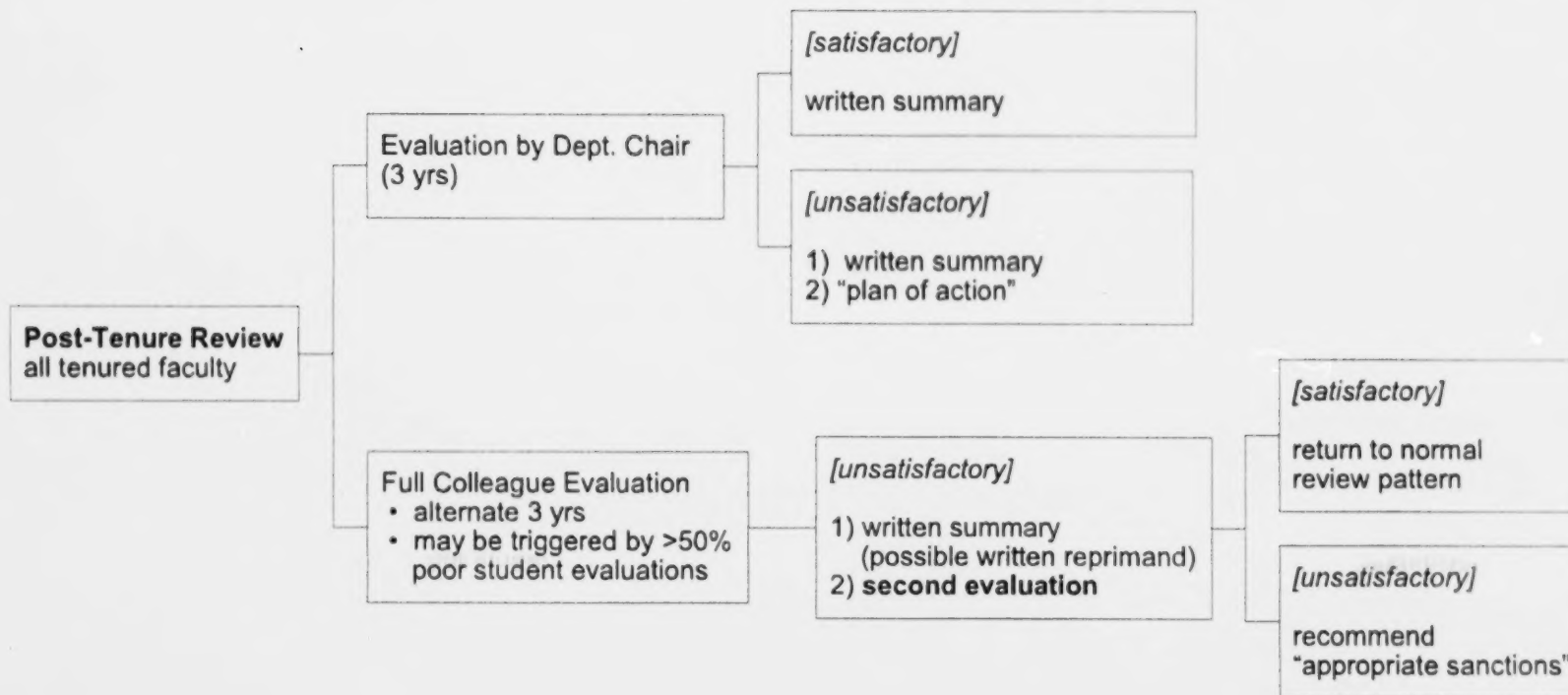
## Oregon State University (proposed)



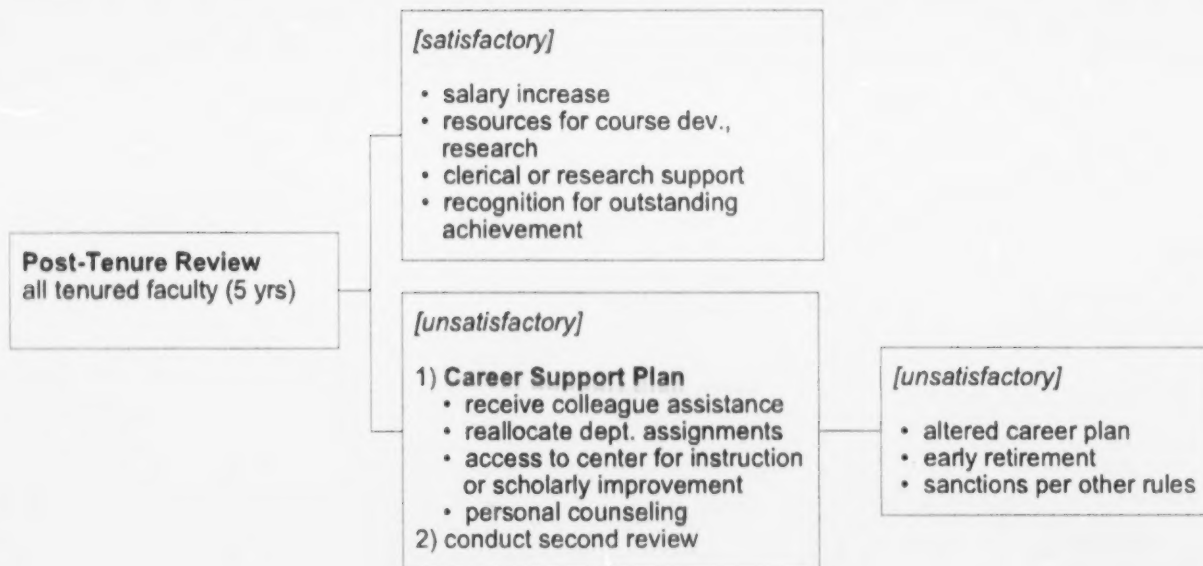
## Portland State University (contract '97-'99)



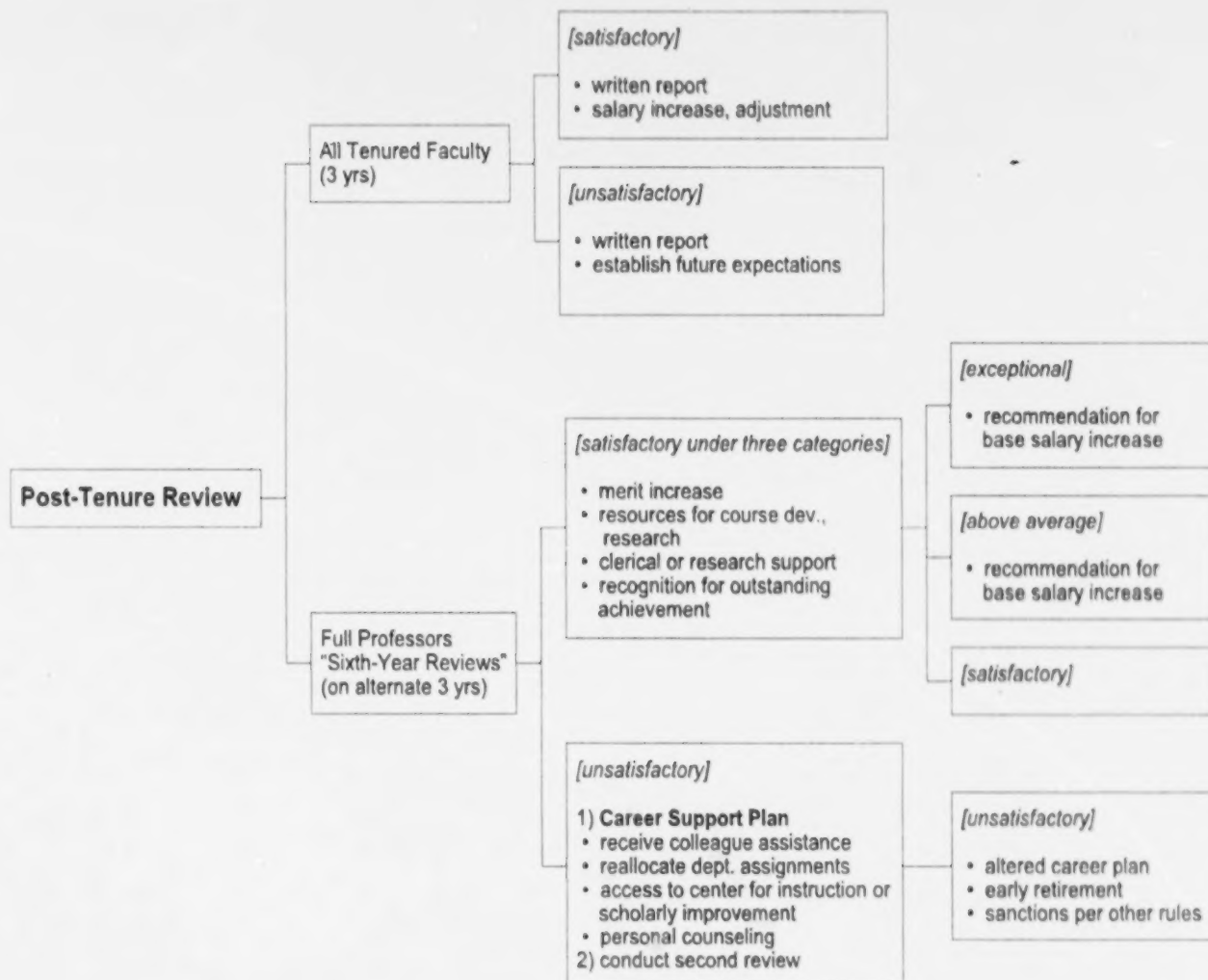
# Southern Oregon University (contract 9/97-8/99)



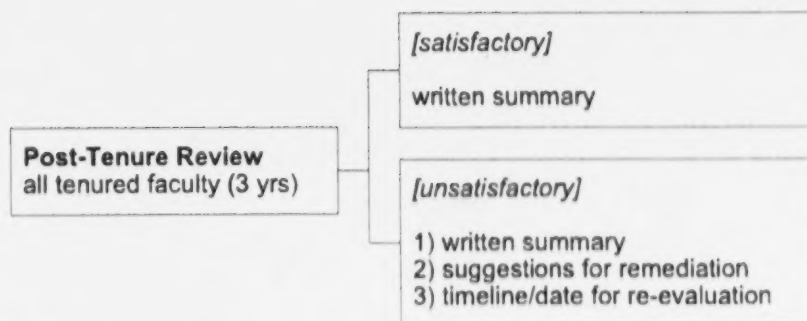
## University of Oregon (current)



# University of Oregon (proposed)



## Western Oregon University (contract 2/98-6/99)



## **Appendix B**

### **Post-Tenure Review: Possible Outcomes (Table)**

## Post-Tenure Review: Possible Outcomes

| Institution                                          | Prof. Dev. Plan | Possible Reward(s)                                                                                                           | Possible Sanction(s)                                                                                                                                                                                              |
|------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Arizona State University                             | ✓               |                                                                                                                              | <ul style="list-style-type: none"> <li>dismissal for cause</li> </ul>                                                                                                                                             |
| University of Colorado                               | ✓               |                                                                                                                              |                                                                                                                                                                                                                   |
| Indiana University - Purdue University, Indianapolis | ✓               |                                                                                                                              | <ul style="list-style-type: none"> <li>"significant sanctions...including initiation of dismissal proceedings based on alleged professional incompetence or alleged misconduct" per other rules</li> </ul>        |
| University of Minnesota                              |                 |                                                                                                                              | one or combination of: <ul style="list-style-type: none"> <li>reallocation of duties</li> <li>"steps to improve performance"</li> <li>salary reduction</li> <li>termination</li> <li>involuntary leave</li> </ul> |
| University of New Mexico                             | (✓)             |                                                                                                                              | <ul style="list-style-type: none"> <li>remedial program</li> <li>removal for cause per other rules</li> </ul>                                                                                                     |
| University of North Carolina at Chapel Hill          | ✓               | "identify & recognize outstanding performance"                                                                               | dismissal or other disciplinary action per other rules                                                                                                                                                            |
| Medical University of South Carolina                 | (✓)             | recommendation to retain tenure                                                                                              | <ul style="list-style-type: none"> <li>recommendation for remediation</li> <li>recommendation for removal of tenure per other rules</li> </ul>                                                                    |
| Sam Houston State University                         | ✓               |                                                                                                                              | dismissal or other disciplinary action per other rules                                                                                                                                                            |
| Texas A&M University - Kingsville                    | ✓               |                                                                                                                              | termination                                                                                                                                                                                                       |
| Texas Tech University                                | ✓               | <ul style="list-style-type: none"> <li>salary recommendation</li> <li>award nomination</li> <li>other recognition</li> </ul> | "action" per other rules                                                                                                                                                                                          |

| Institution                         | Prof.<br>Dev.<br>Plan | Possible Reward(s)                                        | Possible Sanction(s)                                                                                                                                                   |
|-------------------------------------|-----------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| University of Houston               | ✓                     | merit pay increase                                        | <ul style="list-style-type: none"> <li>• disciplinary action</li> <li>• dismissal for cause per other rules</li> </ul>                                                 |
| University of North Texas           | ✓                     |                                                           | termination for cause per other rules                                                                                                                                  |
| Virginia Tech                       | (✓)                   |                                                           | <ul style="list-style-type: none"> <li>• single period of remediation</li> <li>• "sanctions" (not specified)</li> <li>• dismissal for cause per other rules</li> </ul> |
| University of Wisconsin - Green Bay | ✓                     | may be element of review for merit or promotion decisions |                                                                                                                                                                        |

(✓) = remedial steps other than formal professional development plan

vs:032798

## Appendix C

### Post-Tenure Review Outcomes: Rewards & Sanctions (Charts)

#### Institution

Arizona State University

University of Colorado

Indiana University - Purdue University, Indianapolis

University of Minnesota

University of New Mexico

University of North Carolina at Chapel Hill

The Medical University of South Carolina

Sam Houston State University

Texas A&M University - Kingsville

Texas Tech University

University of Houston

University of North Texas

Virginia Polytechnic Institute & State University

University of Wisconsin - Green Bay

#### System

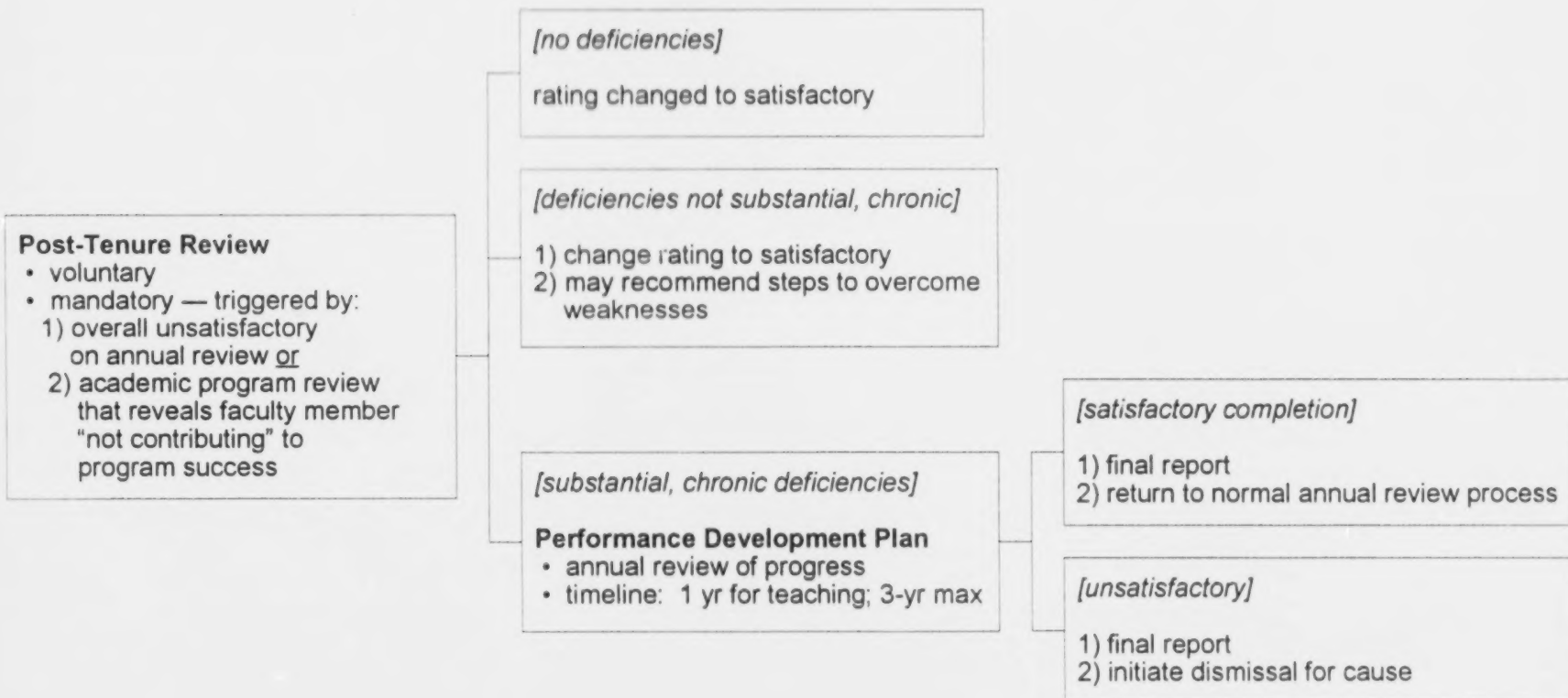
Utah System of Higher Education

University of Texas System

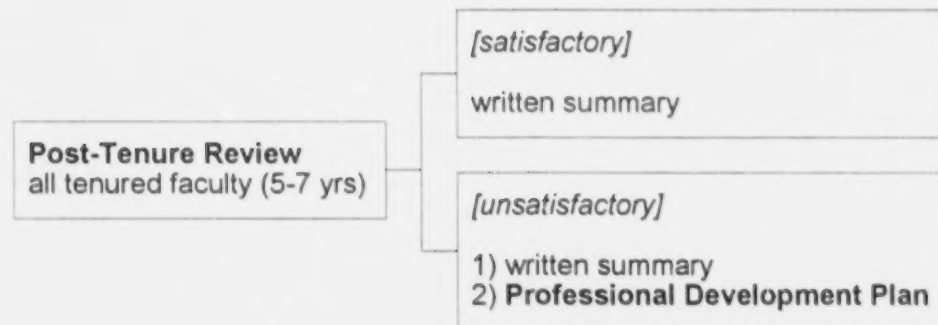
University of Maryland System

## Institutions

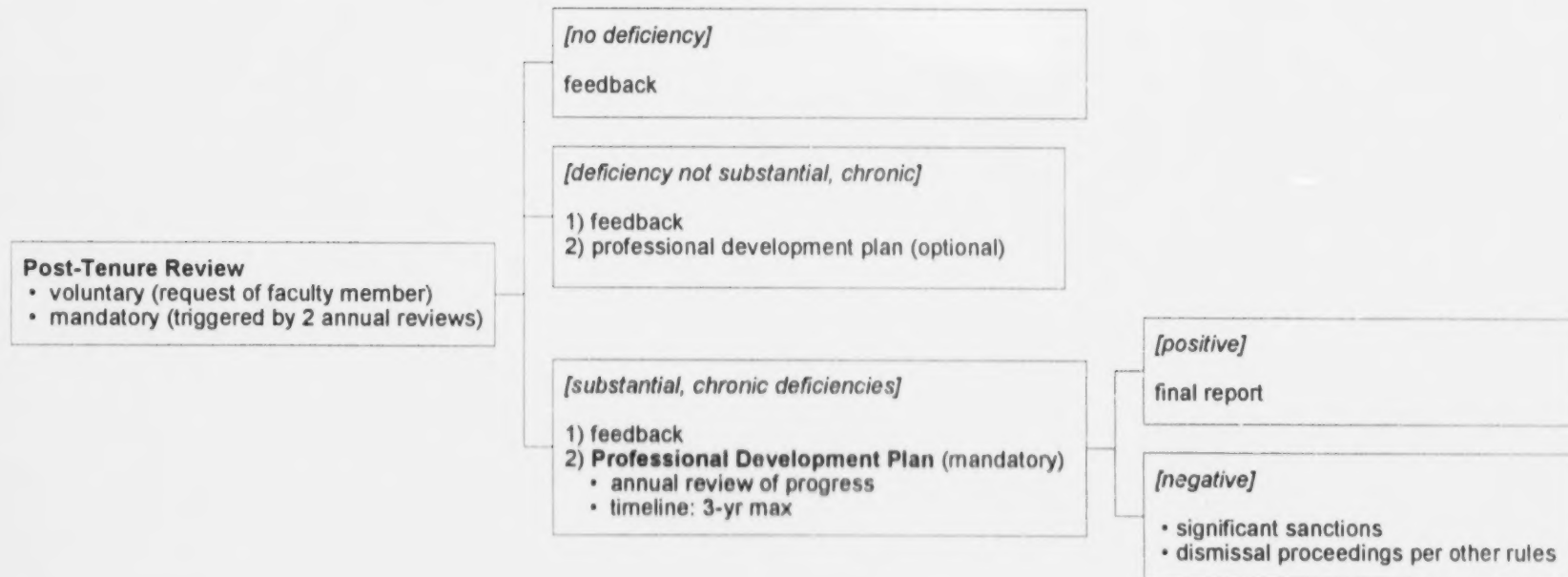
# Arizona State University (4/97) (currency not verified)



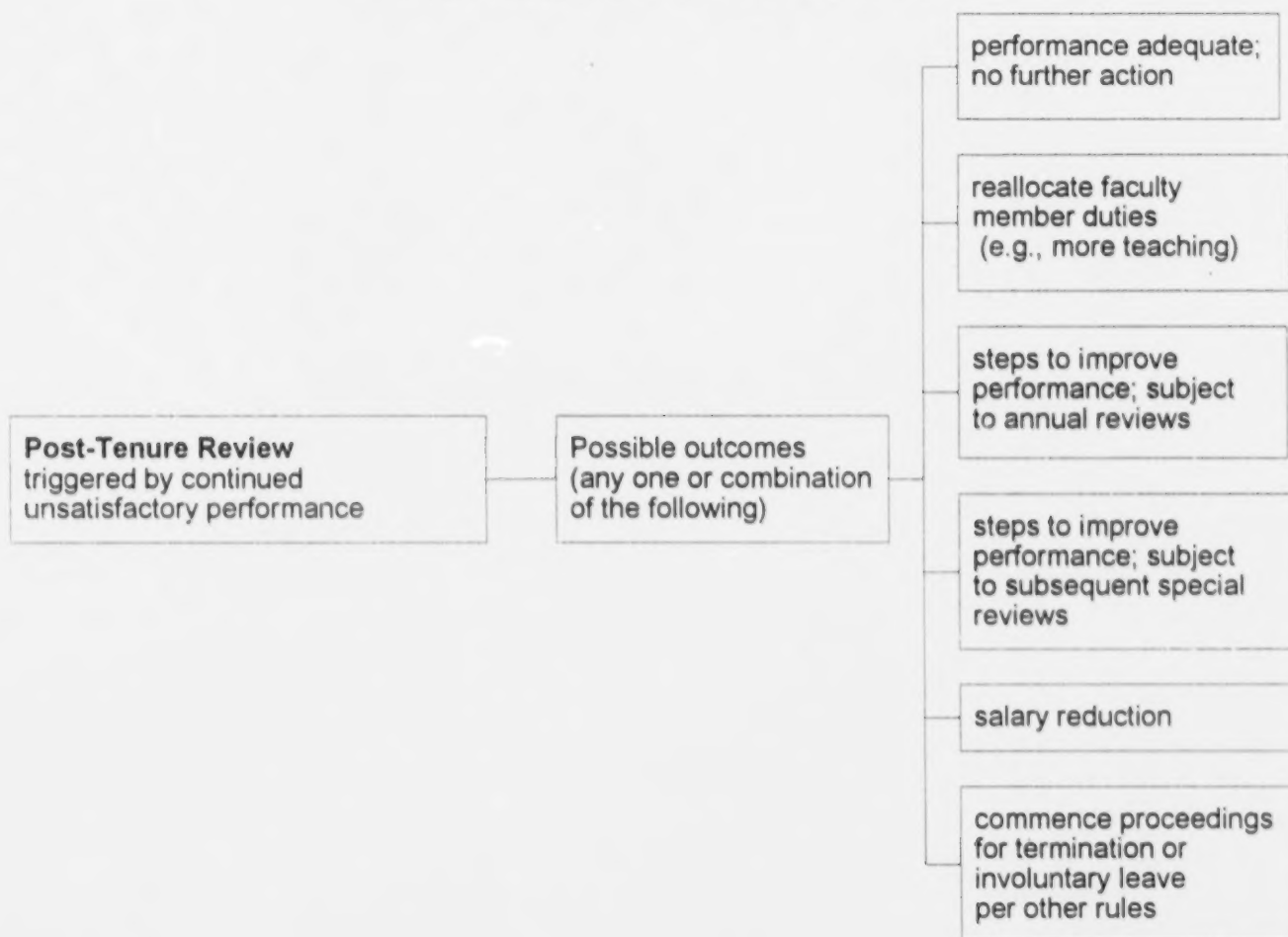
**University of Colorado** (effective spring '84)  
(currency not verified)



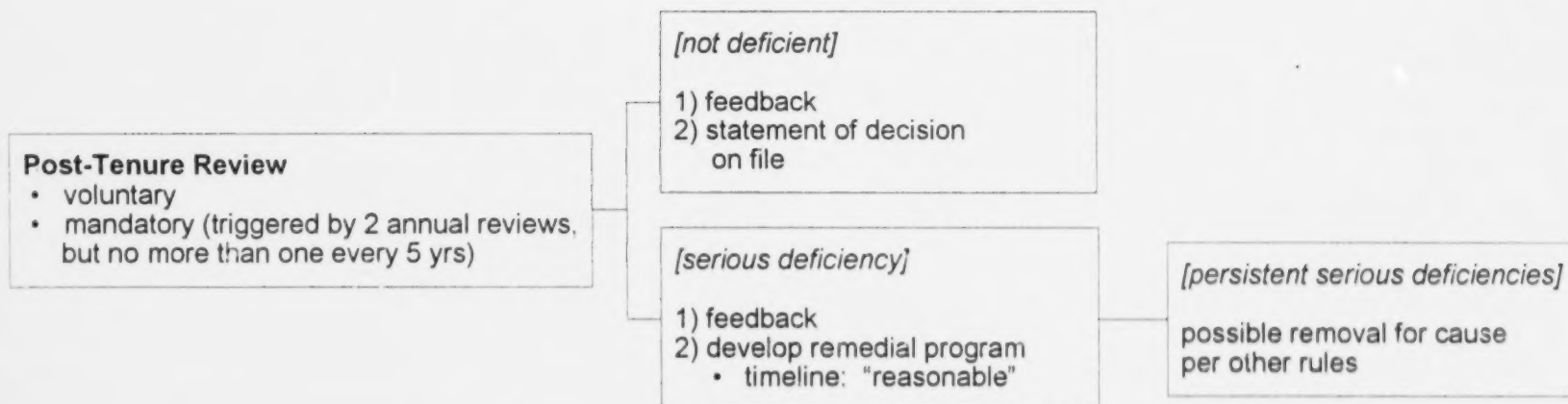
## Indiana University - Purdue University, Indianapolis (5/98)



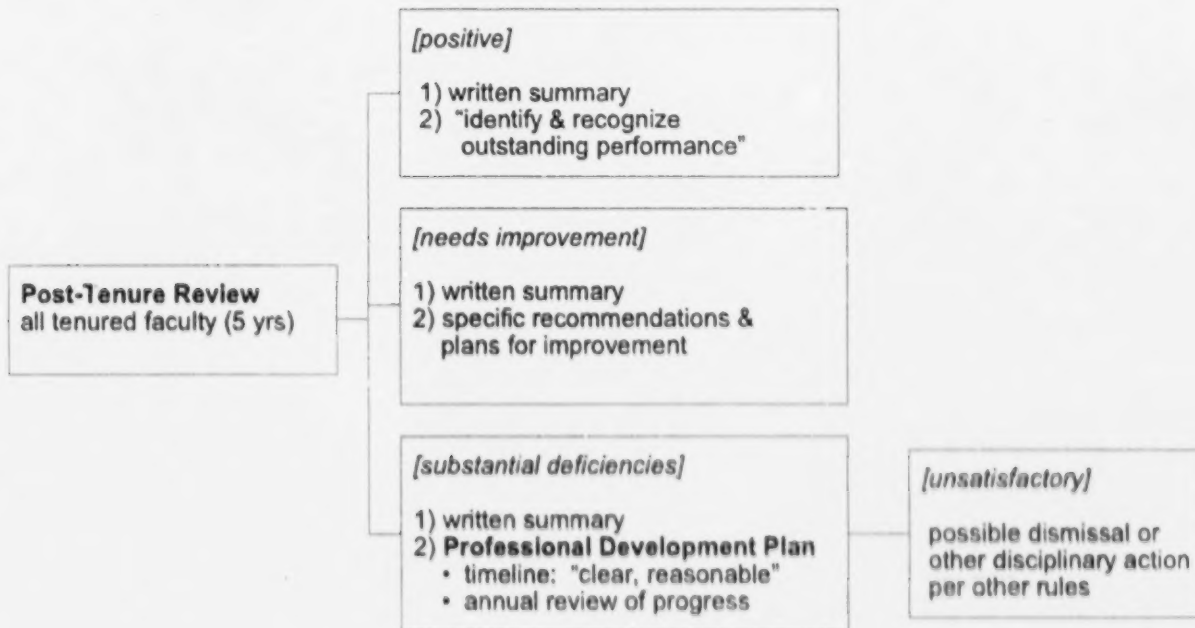
## University of Minnesota (3/98)



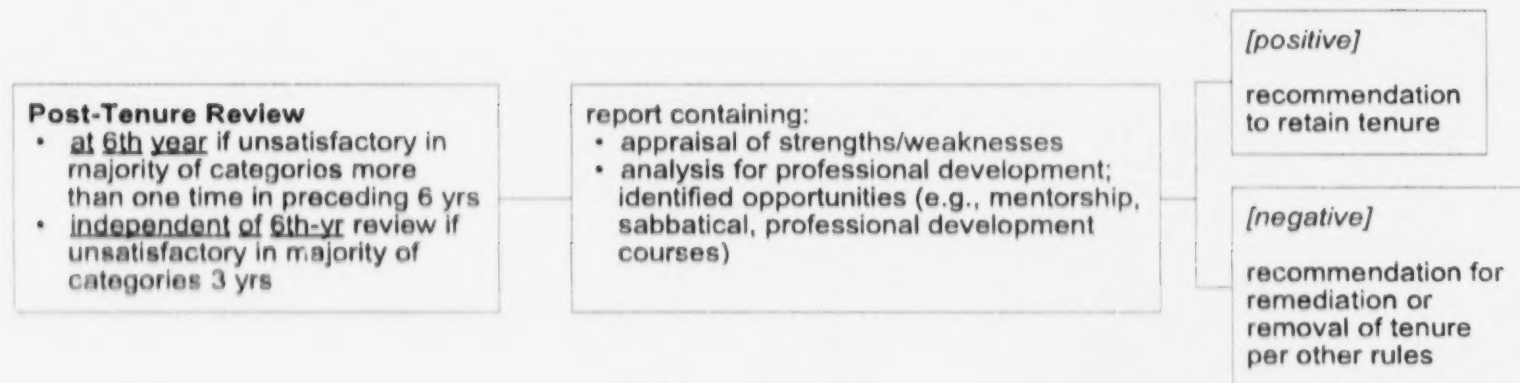
## University of New Mexico (5/97)



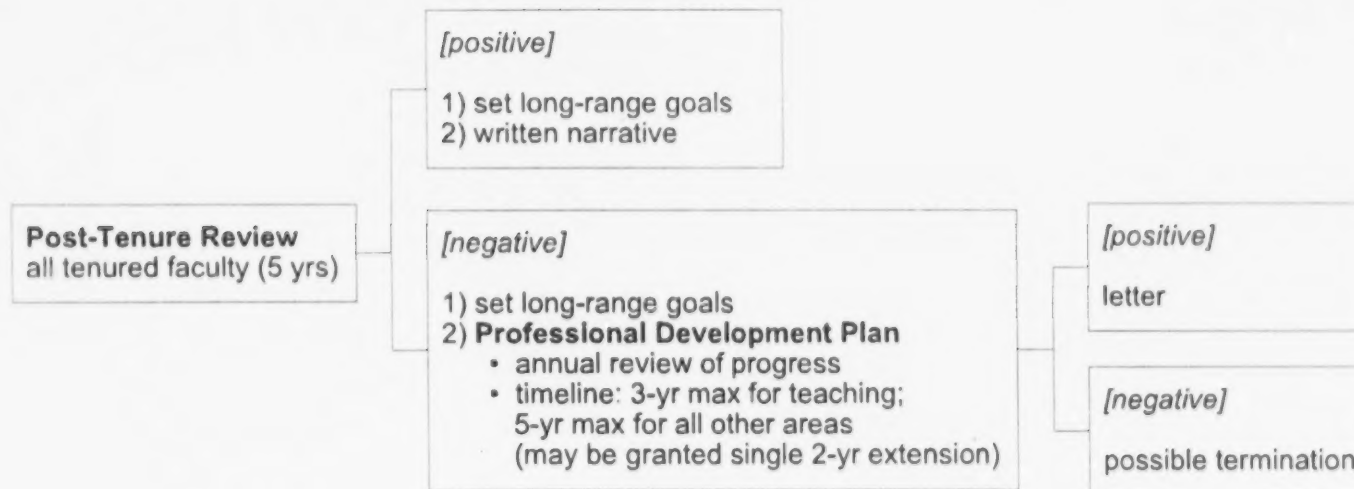
## University of North Carolina at Chapel Hill (3/2/98 draft)



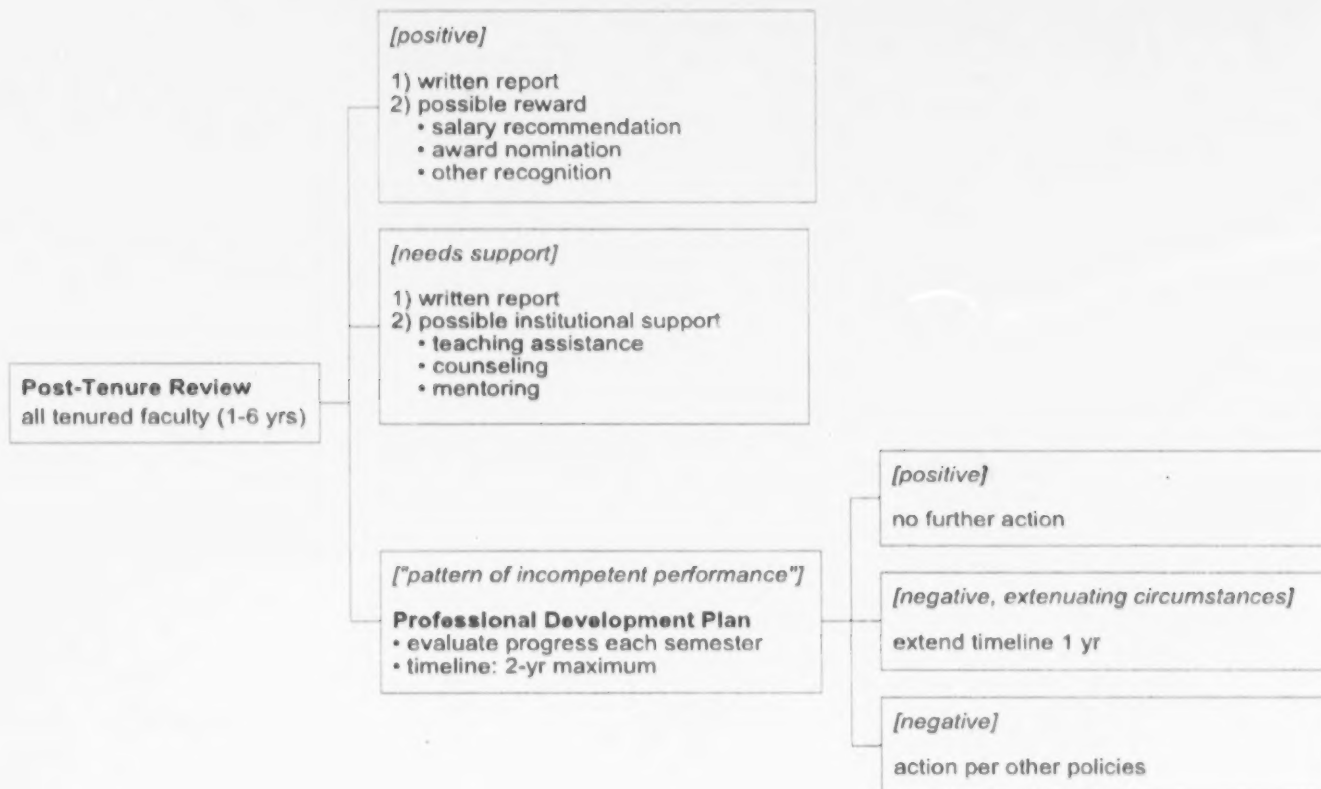
**The Medical University of South Carolina** (draft 11/97)  
(currency not verified)



## Texas A&M University - Kingsville (9/96)



# Texas Tech University (draft 10/97)

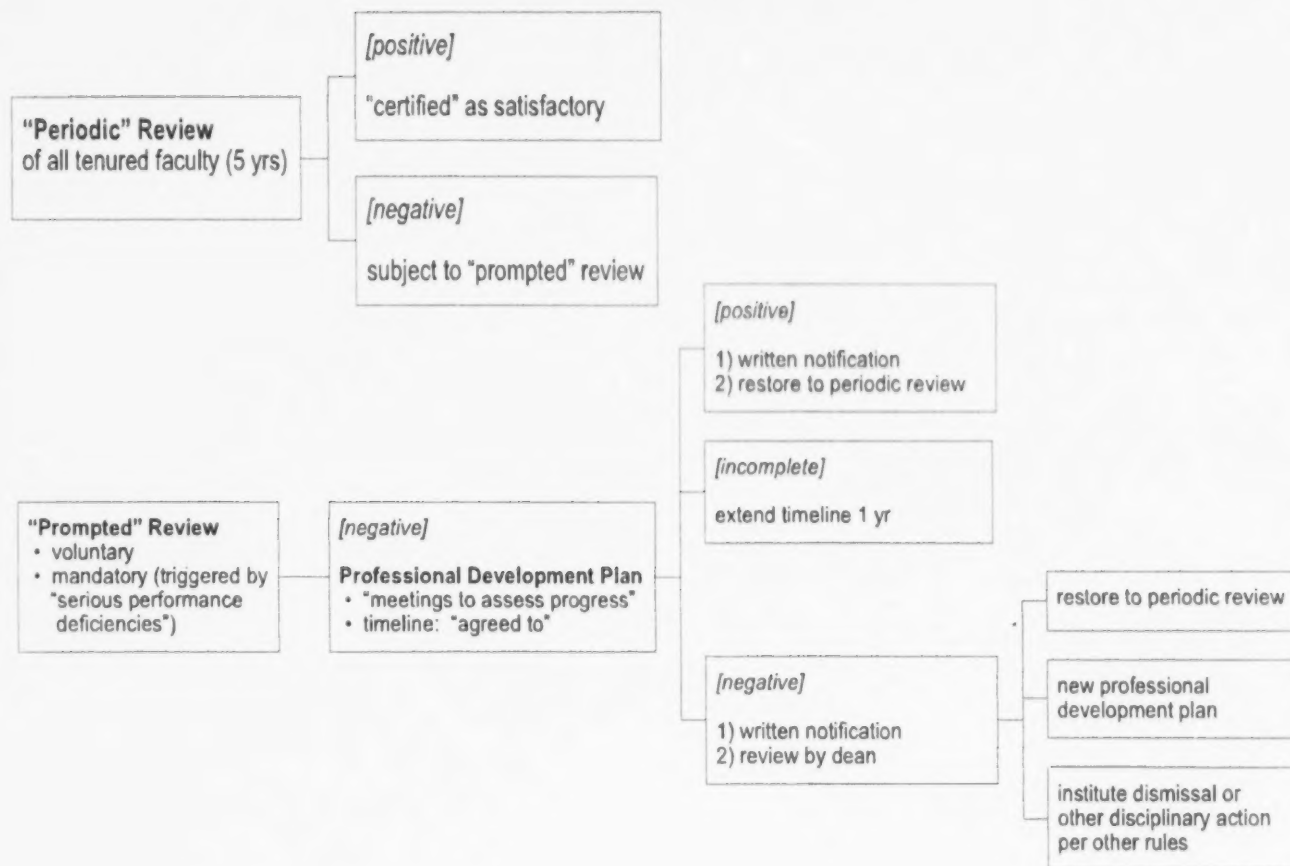


# Sam Houston State University

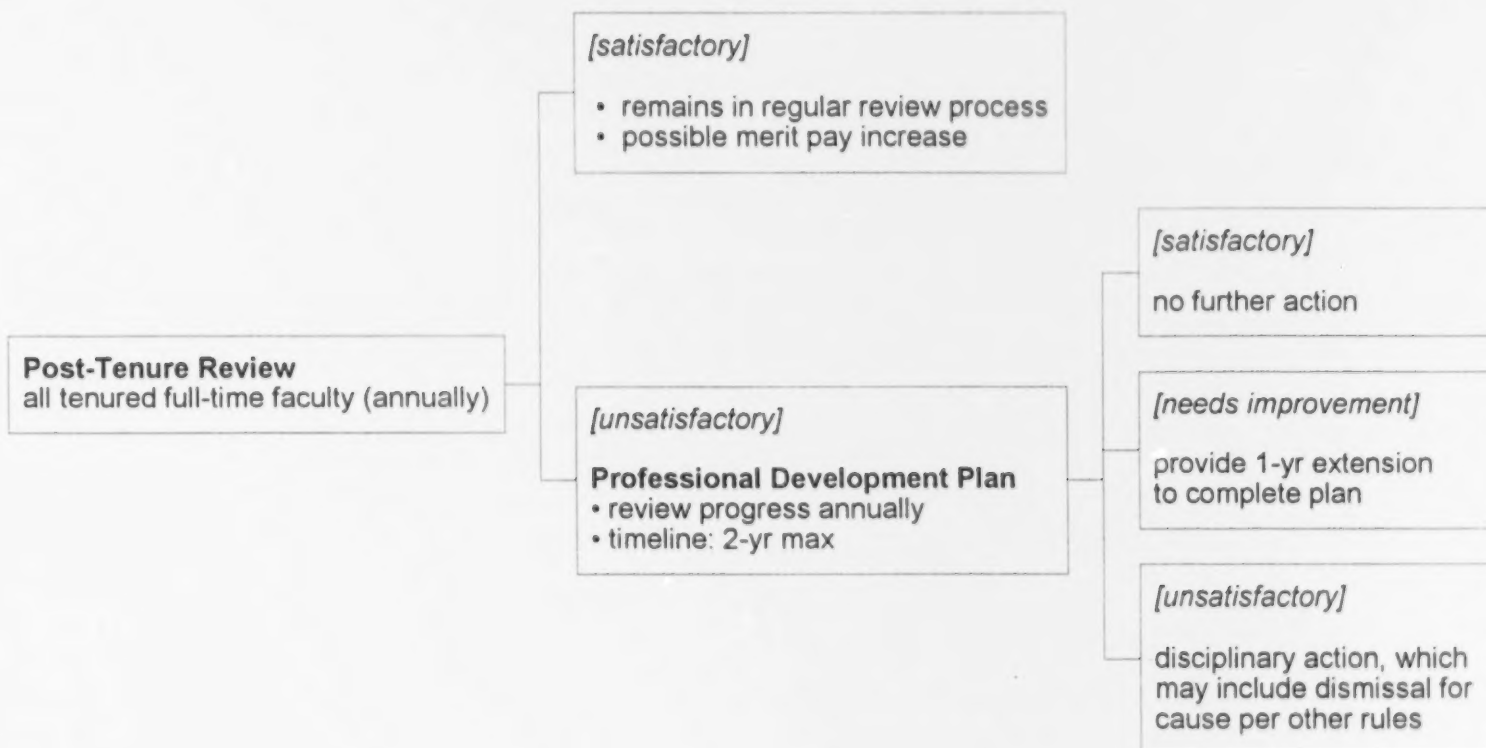
(no date, but developed since SB 149)

(currency not verified)

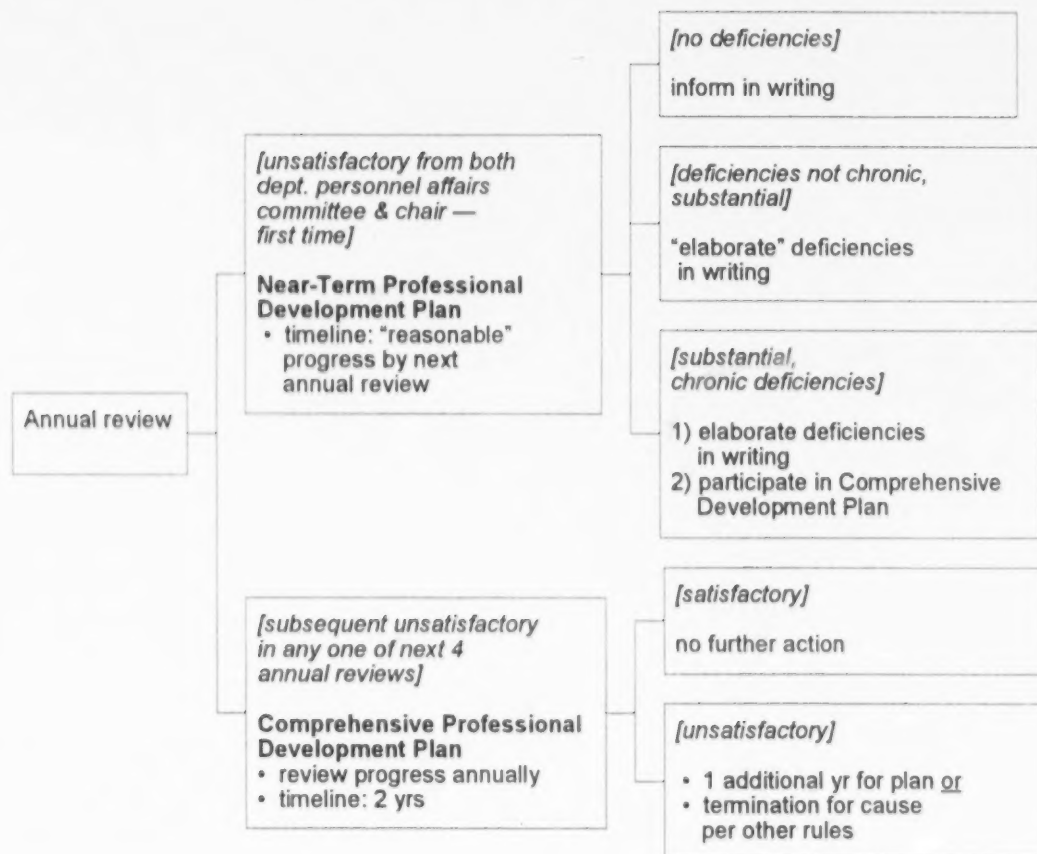
## Post-Tenure Review



**University of Houston** (draft 1/98)  
(currency not verified)

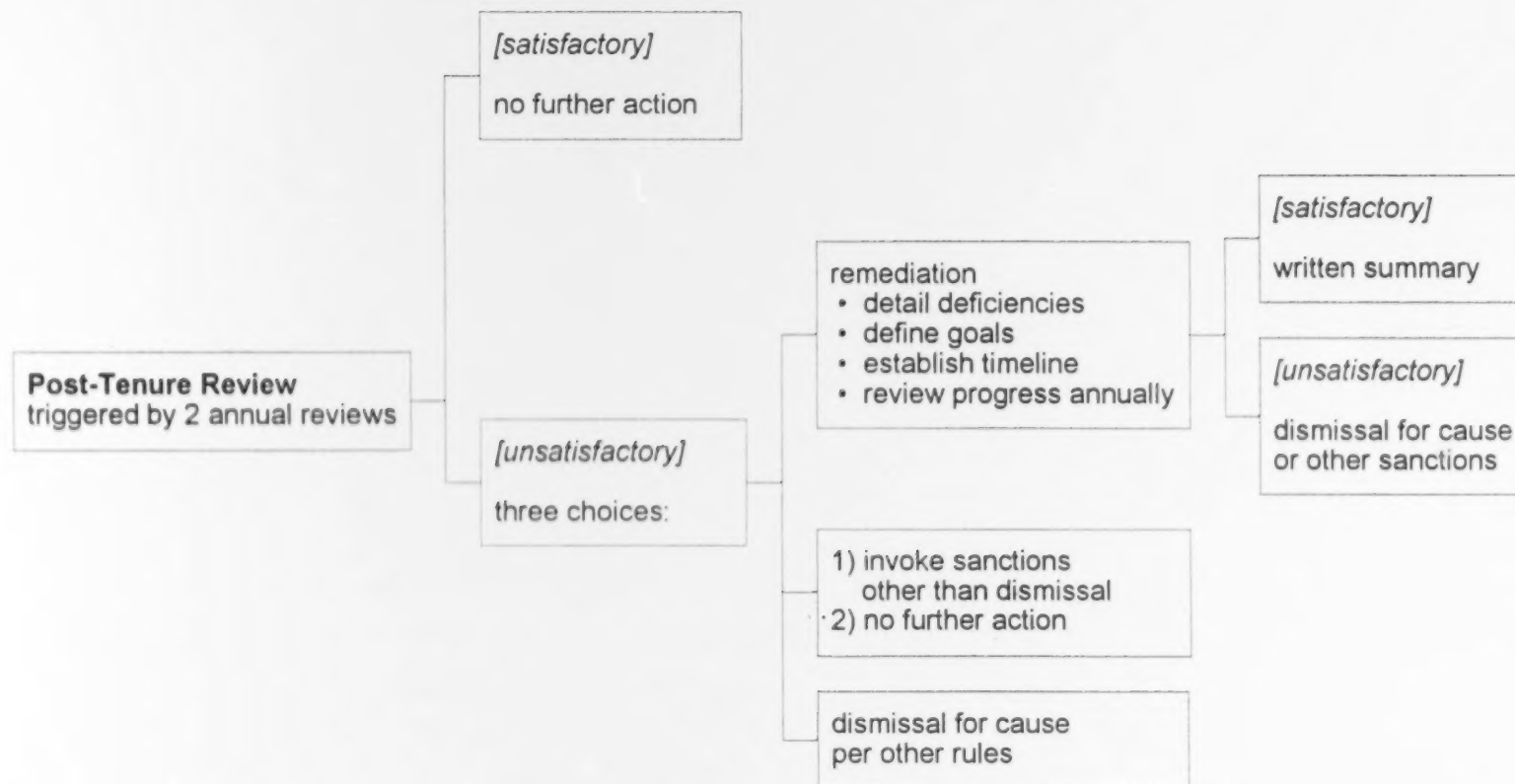


# University of North Texas (2/97)

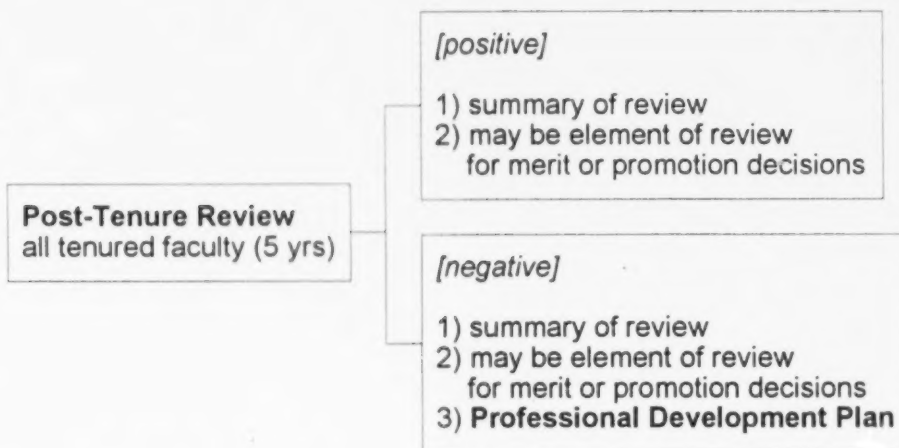


## Virginia Polytechnic Institute & State University (4/96)

(currency not verified)

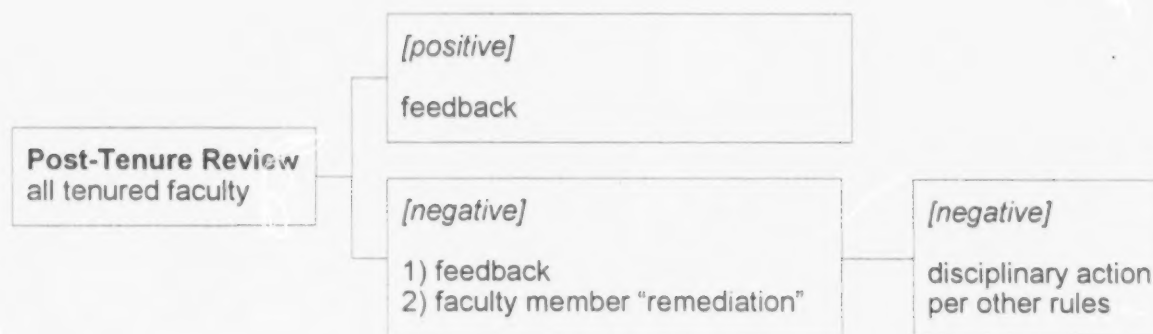


## University of Wisconsin - Green Bay (5/93)

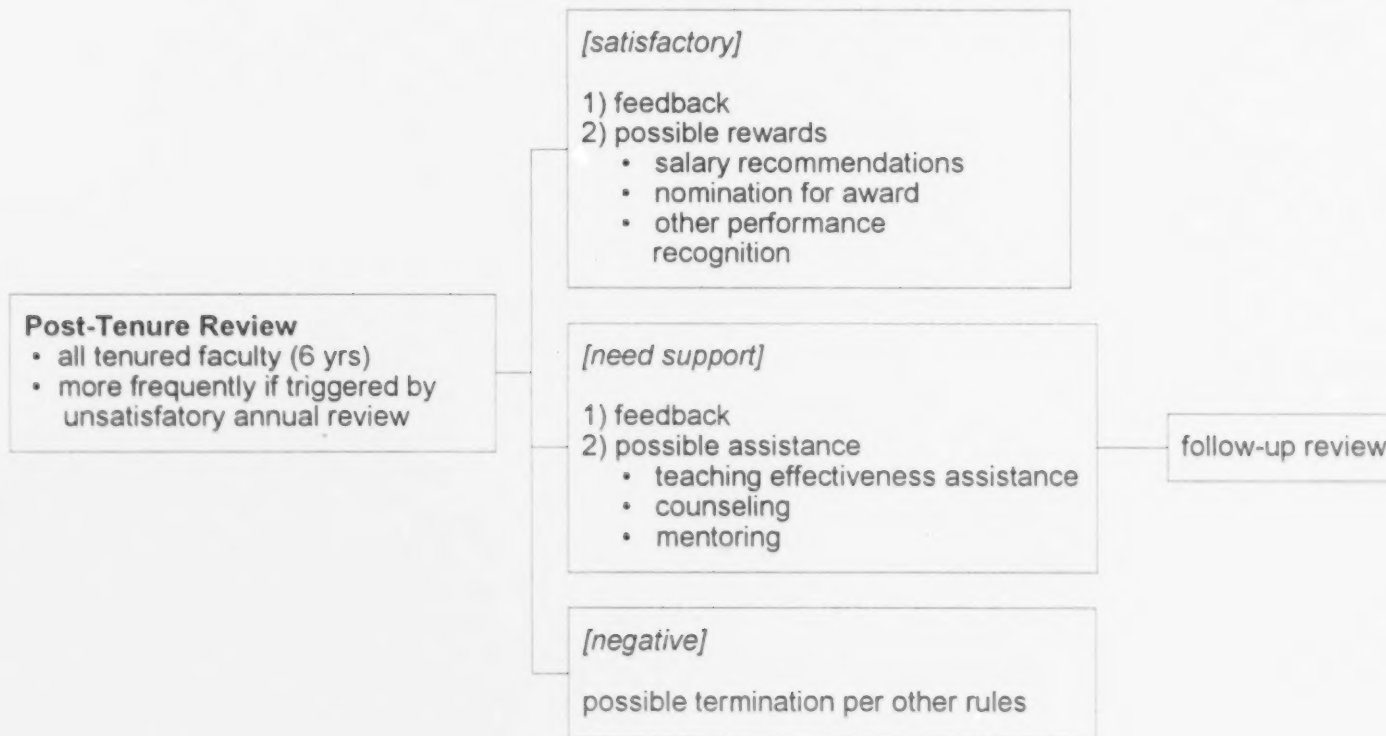


## Systems

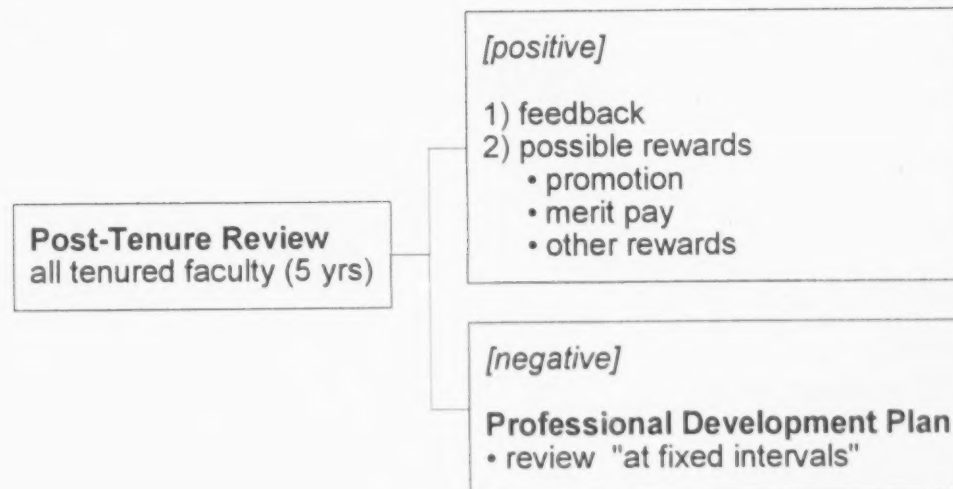
## Utah System of Higher Education (1/97)



## University of Texas System (amended 2/98)

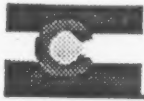


## University of Maryland System (7/96)



**Appendix D**

**Colorado Executive Order #D 0020 97,  
"Declaring the Need for a Post-Tenure Review System for All  
Colorado's Institutions of Higher Education"**



## Office of the Governor

D 0020 97

### EXECUTIVE ORDER

#### DECLARING THE NEED FOR A POST-TENURE REVIEW SYSTEM FOR ALL COLORADO'S INSTITUTIONS OF HIGHER EDUCATION

WHEREAS, Colorado needs the provision of tenure or due process for faculty members at institutions of higher education to preserve academic freedom and ensure the ability of state-supported institutions to attract and retain high quality teaching faculty members; and

WHEREAS, support post-tenure review and believe that Colorado's institutions of higher education should take steps to implement such review systems; and

WHEREAS, governing board should establish a post-tenure review policy under which tenured faculty members receive a performance evaluation; and

WHEREAS, faculty member with unsatisfactory performance may be placed on probation and may lose tenure.

NOW, THEREFORE, I, Roy Romer, Governor of the State of Colorado, under the authority vested in me by the Constitution and laws of the State of Colorado, DO HEREBY ORDER THAT:

1. The governing board for each state-supported institution of higher education shall adopt a post-tenure review policy for periodic review of all tenured faculty members employed by the institution
2. Post-tenure performance reviews shall be designed both to evaluate a faculty member's level of performance and to assist the faculty member in improving his or her performance. Under the post-tenure review policy, each tenured faculty member shall receive a performance review at least once every five years.
3. Each institution should have clearly defined goals for the post-tenure review process.
4. In measuring a faculty member's performance, the performance review shall include, but shall not be limited to, consideration of peer and student evaluations.
5. Standards for measuring faculty performance must be clearly stated, linked to the statutory role and mission of the employing institution and consistently applied to all faculty members.
6. Each institution should involve tenured faculty in the development of its post-tenure review policy.

7. Each institution's post-tenure review policy shall provide that if the post-tenure review finds a faculty member's performance unsatisfactory, as defined by the institution in the post-tenure review policy, the faculty member shall be required to complete a performance improvement plan designed by the institution:

b.

Each institution shall provide voluntary assistance to faculty members in completing their professional improvement or remediation plans.

a.

Each institution shall allow a faculty member to provide input concerning the performance improvement plan. The performance improvement plan shall be imposed within 90 days after the final determination of unsatisfactory performance.

c.

Based on the criteria outlined in the plan, the faculty member shall be re-evaluated after a period not to exceed three years. The performance plan shall specify the re-evaluation date.

8. Upon re-evaluation, if the faculty member fails to demonstrate satisfactory performance as determined by the criteria specified in the performance plan, the faculty member shall be subject to sanctions in keeping with institutional sanction provisions, which shall include, but not be limited to, the revocation of tenure.
9. In developing a performance improvement plan and re-evaluating a faculty member, the institution shall ensure that the faculty member receives due process, as defined in the institution's post-tenure review policy.

GIVEN under my hand and the  
Executive Seal of the State of Colorado  
this 9th day of December, 1997

Roy Romer

Governor

---

[Return to Office of the Governor homepage.](#)

Appendix E

**Texas SB 149,  
"Performance Evaluation of Tenured Faculty"**

<http://www.capitol.state.tx.us/tlo/sgovsign.htm>

3/3/98

TEXAS LEGISLATURE ONLINE

75TH REGULAR SESSION - 1997

SENATE BILLS SIGNED BY GOVERNOR

SB 149 AUTHOR: Bivins

SPONSOR: Cuellar

06/19/97 E Effective on 1/1/98

Relating to performance evaluation of tenured faculty at certain institutions of higher education.

## AN ACT

relating to performance evaluation of tenured faculty at certain institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.942 to read as follows:

Sec. 51.942. PERFORMANCE EVALUATION OF TENURED FACULTY.

(a) In this section:

(1) "Governing board" has the meaning assigned by Section 61.003.

(2) "Institution of higher education" means a general academic teaching institution, medical and dental unit, or other agency of higher education, as those terms are defined by Section 61.003.

(3) "Neglect of duty" means continuing or repeated substantial neglect of professional responsibilities.

(b) Each governing board of an institution of higher education shall adopt rules and procedures providing for a periodic performance evaluation process for all faculty tenured at the institution. The governing board may design its rules and procedures to fit the institution's particular educational mission, traditions, resources, and circumstances relevant to its character, role, and scope, in addition to other relevant factors determined by the governing board in the rules adopted pursuant to this section. The governing board shall seek advice and comment from the faculty of the institution before adopting any rules pursuant to this section. The advice and comment from the faculty on the performance evaluation of tenured faculty shall be given the utmost consideration by the governing board.

(c) In addition to any other provisions adopted by the governing board, the rules shall include provisions providing that:

(1) each faculty member tenured at the institution be subject to a comprehensive performance evaluation process conducted no more often than once every year, but no less often than once every six years, after the date the faculty member was granted tenure or received an academic promotion at the institution;

(2) the evaluation be based on the professional responsibilities of the faculty member, in teaching, research, service, patient care, and administration, and include peer review of the faculty member;

(3) the process be directed toward the professional development of the faculty member;

(4) the process incorporate commonly recognized academic due process rights, including notice of the manner and scope of the evaluation, the opportunity to provide documentation during the evaluation process, and, before a faculty member may be subject to disciplinary action on the basis of an evaluation conducted pursuant to this section, notice of specific charges and an opportunity for hearing on those charges; and

(5) a faculty member be subject to revocation of tenure or other appropriate disciplinary action if incompetency, neglect of duty, or other good cause is determined to be present.

(d) A faculty member subject to termination on the basis of an evaluation conducted pursuant to this section must be given the opportunity for referral of the matter to a nonbinding alternative dispute resolution process as described in Chapter 154, Civil Practice and Remedies Code. If both parties agree, another type of alternative dispute resolution method may be elected. The governing board must give specific reasons in writing for any decision to terminate a faculty member on the basis of an evaluation conducted pursuant to this section.

(e) A governing board may not waive the evaluation process for any faculty member granted tenure at an institution.

3-15 (f) A governing board may not award tenure to an  
 3-16 administrator in any way that varies from the institution's general  
 3-17 policy on the award of tenure.

3-18 (g) Each governing board shall file a copy of the rules  
 3-19 adopted pursuant to this section, and any amendments to such rules,  
 3-20 with the coordinating board on or before September 1 of each year.

3-21 SECTION 2. The rules adopted by a governing board of an  
 3-22 institution of higher education pursuant to the provisions of this  
 3-23 Act shall provide for the performance evaluation of tenured faculty  
 3-24 not later than January 1, 2004, of each faculty member tenured at  
 3-25 the institution as of the effective date of this Act.

4-1 SECTION 3. This Act takes effect January 1, 1998. S.B. No. 149

4-2 SECTION 4. The importance of this legislation and the  
 4-3 crowded condition of the calendars in both houses create an  
 4-4 emergency and an imperative public necessity that the  
 4-5 constitutional rule requiring bills to be read on three several  
 4-6 days in each house be suspended, and this rule is hereby suspended.

\_\_\_\_\_  
 President of the Senate

\_\_\_\_\_  
 Speaker of the House

I hereby certify that S.B. No. 149 passed the Senate on  
 February 25, 1997, by a viva-voce vote; May 29, 1997, Senate  
 refused to concur in House amendments and requested appointment of  
 Conference Committee; May 30, 1997, House granted request of the  
 Senate; May 31, 1997, Senate adopted Conference Committee Report by  
 the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
 Secretary of the Senate

I hereby certify that S.B. No. 149 passed the House, with  
 amendments, on May 27, 1997, by a non-record vote; May 30, 1997,  
 House granted request of the Senate for appointment of Conference  
 Committee; May 31, 1997, House adopted Conference Committee Report  
 by a non-record vote.

\_\_\_\_\_  
 Chief Clerk of the House

Approved:

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Governor

## **Appendix F**

### **The Texas A&M University System: Critical Elements of Implementation Plans for Post-Tenure Review**

**THE TEXAS A&M UNIVERSITY SYSTEM**  
**Critical Elements of Implementation Plans for Post-Tenure Review**

| <i>Institution</i>    | <i>"Faculty Involvement in Development"</i> | <i>"Triggering Process for Initiating Review"</i>               | <i>"Peer Involvement"</i> | <i>"Required Development Plan if Rating Unsatisfactory"</i> | <i>"Length of Development Period"</i>                                        | <i>"Monitoring of Response During Development Period"</i> | <i>"Statement of Consequences if Response is Inadequate"</i>               |
|-----------------------|---------------------------------------------|-----------------------------------------------------------------|---------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------|
| BCD                   | ✓                                           | Five-year intervals                                             | ✓                         | ✓                                                           | 2 years                                                                      | ✓                                                         | Termination may be recommended                                             |
| TAMU - Commerce       | ✓                                           | Two consecutive annual ratings of "minimal" or "unsatisfactory" | ✓                         | ✓                                                           | 2 years; 1 year extension possible                                           | ✓                                                         | Dismissal procedures may be initiated                                      |
| TAMU - Texarkana      | ✓                                           | Two consecutive annual ratings of "unsatisfactory"              | ✓                         | ✓                                                           | 1 ½ years                                                                    | ✓                                                         | May result in disciplinary action or dismissal                             |
| PVAMU                 | ✓                                           | Five-year intervals                                             | ✓                         | ✓                                                           | 3 years if review marginal; 2 years if unsatisfactory                        | ✓                                                         | Will be notified of termination                                            |
| TSU                   | ✓                                           | Five-year intervals                                             | ✓                         | ✓                                                           | 1 calendar year                                                              | ✓                                                         | May initiate dismissal                                                     |
| TAMIU                 | ✓                                           | Three-year intervals                                            | ✓                         | ✓                                                           | 3 years                                                                      | ✓                                                         | Subject to provisions of system policy 12.01 and TAMIU handbook            |
| TAMU                  | ✓                                           | Three consecutive annual ratings of "unsatisfactory"            | ✓                         | ✓                                                           | 3 years                                                                      | ✓                                                         | Dismissal proceedings may be initiated                                     |
| TAMU - Corpus Christi | ✓                                           | Two consecutive annual ratings of "unsatisfactory"              | ✓                         | ✓                                                           | 1 year with possible extension                                               | ✓                                                         | Initiate dismissal procedures, if extension not granted                    |
| TAMU - Kingsville     | ✓                                           | Five-year intervals                                             | ✓                         | ✓                                                           | 3 years for teaching; 5 years research or service; 2 year extension possible | ✓                                                         | Will be considered for termination<br>"Dismissal for Cause" clause applies |
| WTAMU                 | ✓                                           | Two consecutive annual ratings of "below average" or "poor"     | ✓                         | ✓                                                           | 2 years                                                                      | ✓                                                         | Will be subject to revocation of tenure                                    |

Compiled by the [System] Office of the Vice Chancellor for Research, Planning, and Continuing Education 11/22/96

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jh:032798

## Appendix G

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vs: 11/3/98